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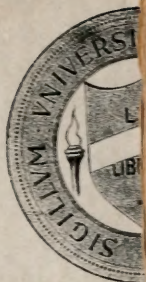
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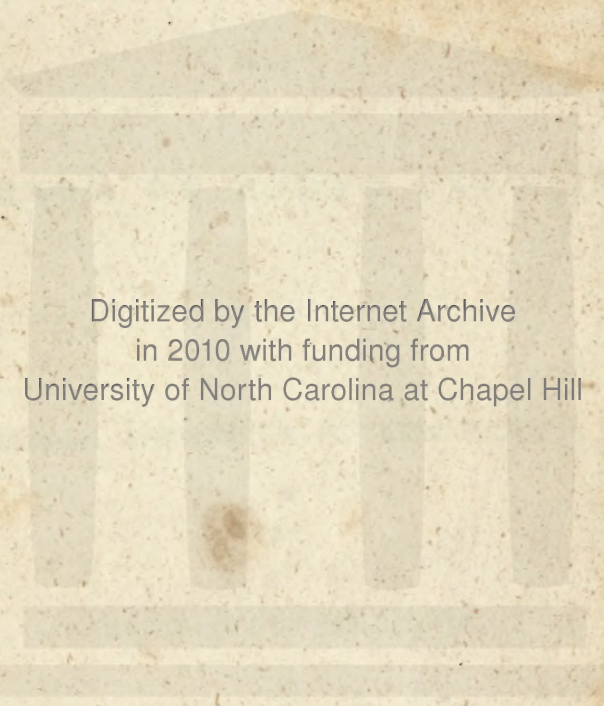
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[No. 1.]

Legislature of North Carolina—1835.

MESSAGE

OF THE

GOVERNOR OF NORTH CAROLINA,

TO THE

GENERAL ASSEMBLY OF THE STATE,

AT THE

COMMENCEMENT OF THE SESSION,

November 16, 1835.

RALEIGH:

Philo White, Printer to the State;

.....

1835.



MESSAGE.

To the General Assembly of North Carolina :

The duty of addressing the representatives of the people, convened to consult for the common good of their constituents, has on no previous occasion been to me the source of so great anxiety and perplexity as the present. This embarrassment arises no less from the peculiar situation of our affairs, than from the measures in progress to amend the Constitution of the State.

It will be some days before it can be ascertained whether the new Constitution has been adopted or rejected. If it has been adopted, a material change in the basis of representation, constitutes one of its most prominent provisions. This expression of the public will, made in the most imposing form known to our institutions, will probably have a decided influence upon your proceedings. You will not, without hesitation, venture upon any radical change in the system of policy hitherto pursued, if it shall be ascertained that the people have transferred the legislative power of the State to a Department which will be constituted upon principles differing essentially from those which enter into the formation of your body. Whatever may be the conclusion at which you may arrive on this subject, there seems to be no reason which should restrain the Executive Department from the customary expression of opinion upon the most important topics which engage public attention.

To much the larger portion of this State, the past year has been a season of more than ordinary prosperity. The production of articles necessary to the sustenance of human life, has been abundant—and our great agricultural staple has commanded a higher price than has been known for many years. Our citizens, always distinguished for prudence and economy in the management of their domestic affairs, aided by the fortunate circumstances referred to, are at present probably less involved in pecuniary difficulties, than at any previous period of our history. Notwithstanding these clear evidences of the comparatively prosperous condition of the community, the tide of emigration continues to flow in a copious and steady current to the new States and Territories of the West, and we are thus constantly losing many of our most wealthy, enterprising and intelligent citizens. It is not surprizing that the universal and laudable disposition strikingly characteristic of the the American people to acquire a permanent interest in the soil, should prompt removals from an old and densely populated country, to sparsely settled regions where good lands may be acquired at low prices. That these causes have in many instances produced emigration from this State, is admitted ; but we deceive ourselves, if we suppose that the evil is to be attributed to them alone. In general salubrity, variety of climate and consequent variety of productions, average fertility of soil, and wide extent of sea coast, North Carolina is scarcely exceeded by any of her sister States. Other causes, therefore, than natural disadvantages, have in a greater or less degree affected the growth and prosperity of the State. A very slight acquaintance with the facts, will suffice to show that a large proportion of the citizens who have removed from our borders within the last ten years, have contributed to augment the population and resources of States more densely peopled than our own. With regard then to the latter class, and to those who are liable to be influenced by similar considerations hereafter, it becomes important to inquire, what causes have produced the evil, in order that you may ascertain whether a remedy can be devised within the legitimate range of your powers.

When we consider that we have but a single collegiate institution in the State, but few respectable academies, and that no adequate provision has been made to diffuse even the elementary principles of education among the poor; that there is not a single work of Internal Improvement in progress, and no fund that deserves the name provided for the future developement of our resources; it ceases to be matter of surprize that even our younger sisters munificently provided for in all these respects by the bounty of the General Government, should outstrip us in the generous contest for physical and intellectual improvement. It is but natural that under such circumstances the young, the ardent and the enterprizing among our own citizens, should sever the ties that bind them to their native homes, and seek for affluence and distinction under better auspices. It affords me no pleasure to present this picture of our condition. It would indeed be the source of extreme mortification if I regarded it as proceeding exclusively from our own supineness and neglect. That we have done less than we might and ought to have done for the accomplishment of these great purposes, is, in my estimation, certain; but that our exertions have been constantly retarded by the system of Federal legislation adopted with regard to us, is not less manifest.

This entire subject was so fully discussed in my last annual message, that I shall content myself with a mere reference to that paper, rather than an extended consideration of it in this. It was then attempted to be shewn, that great injustice had been done to this State in the settlement of our claims for revolutionary services; that the revenue system adopted by the Federal Government had operated oppressively upon us, and that the low prices at which the government lands were disposed of in the new States and Territories, had affected most injuriously the value of our real estate. The injustice sustained in the settlement of our revolutionary claims, embarrassed our efforts towards improvement, at the period of all others the most important, the commencement of our political existence; and the tariff and land systems subsequently adopted, far from relieving, tended but to increase our difficulties. Thus stripped of resources, the history of our State legislation during the first half century of our political existence, will exhibit little more to posterity than the annual imposition of taxes amounting to less than a hundred thousand dollars, one half of which constituted the reward of the legislative bodies by which they were levied, while the remainder was applied to sustain the train of officers who superintended the machinery of government. The establishment of schools for the convenient instruction of youth, and the developement and improvement of our internal resources by means beyond the reach of individual enterprize, will seem scarcely to have been regarded as proper objects of legislative concern.

Still less cheering and consolatory is the history of our Federal relations. Immediately upon our entrance into the Federal compact, we conveyed to the General Government our entire claim to territory west of this State, out of a portion of which was formed the State of Tennessee, as a common fund for the use and benefit of the United States of America, North Carolina inclusive, to be applied to the payment of the national debt according to their respective and usual proportions in the general charge and expenditure, and to no other purpose whatever. We have, in the shape of internal duties, contributed more than a million of dollars annually to the national Treasury. In return for these immense concessions, we have enjoyed that protection which the American name extends to American citizens throughout the wide extent of this confederacy, and we may almost say that none other than this nominal protection has been afforded to us. During the late war, when our coast was blockaded by the greatest maritime power in the world, a special messenger was despatched by the General Assembly to represent to the General Government the defenceless condition of our maritime frontier: In reply, we were urged to prepare vigorously for the contest, and to rely exclusively upon our own resources, as it was not then convenient to aid us. The legislature immediately resorted to loans, provided munitions of war indispensable to the protec-

tion of the coast, and put them in the charge of the militia of the State. The claim for the expense thus incurred, has been for years, and is at present, before the War Department, and has been uniformly resisted, upon the ground that the General Government having *omitted* to fortify the coast, could not properly be required to pay for munitions of war, suitable only for fortifications. Since the war, a Fort of the second class has been erected contiguous to Cape Fear, and another near Old Top-sail Inlet,—but these are the only evidences visible upon the face of the country, of the exertion towards us of the benevolent action of the Government, either for the purposes of improvement or defence.

If it were possible to procure precise data, by which to institute a comparison between the exactions and the disbursements of the Federal Government, from and on account of North Carolina, there can be no difficulty in pronouncing that a prominent cause of our evils would be rendered most apparent. If the comparison were extended so as to present a relative view of the receipts from, and disbursements on account of some of the more favored States, the contrast would exhibit a claim to redress which could scarcely be overlooked or disregarded. A more favorable opportunity than the present to urge attention to these claims, cannot arise—nor is the nation likely, at any future period, to be able to do us justice with such perfect convenience. That the revenue of the General Government exceeds its legitimate wants, and that the power and patronage incident to it, are dangerous to the liberty of the country, are positions which will scarcely be controverted. In my last annual Message, to which reference has already been made in connection with this topic, I suggested as the most appropriate and least objectionable mode of satisfying the demands of North Carolina, and reducing in some degree, the patronage of the Government, a distribution of the proceeds of the public domain, upon the principles stipulated by our deed of cession. It is now submitted as a subject proper for your consideration, and as requiring, for reasons so obvious to be stated, early and efficient action. This State, it will be recollected, was charged with one tenth of the entire expenses incurred in sustaining the war of the revolution—and is therefore entitled to the same proportion of all that portion of the public lands ceded to the General Government, anterior to the acquisition of Louisiana.

A cession to the new States of such portions of the public domain as are situate within their limits, or a further reduction of the price at which it is at present disposed of, cannot be otherwise than deeply injurious to all the old States, and fraught with manifest injustice and the most ruinous consequences to us.

With a Treasury barely sufficient to meet the current expenses of the Government, without resorting to loans, it would be idle to recommend the adoption of any measures connected with the general improvement of either the physical or intellectual resources of the country. My opinions on these subjects, have been repeatedly communicated to the General Assembly, and are too well known to all classes of the community, to justify repetition. To attempt to accomplish any thing with regard to either, without first having provided a competent fund for the purpose, would have no other effect than to disappoint the excited hopes of the public, and postpone further efforts to an indefinite period. A just proportion of the revenue, accruing from the sales of public lands, would enable us to enter upon a system of measures which could not be otherwise than productive of the most auspicious results. Without it, judging from past experience, little expectation can be entertained that an adequate fund for this purpose will be provided by the government in time to meet the growing exigencies of the country.

I have, on various occasions, expressed the opinion, that it was not to be expected, in the nature of things, that any system of Internal Improvements commensurate with our necessities and resources would, at any time, be effected by individual enterprize. The attention of the capitalist will naturally be directed to the sections of country which will best reward expenditure, rather than to those

which most require improvement. Important local improvements may, nevertheless, be effected by incorporated companies; and if the Government neglects its appropriate duty of providing for the wants of the whole community, liberal encouragement should, at least, be extended to individuals who propose to combine their skill and capital in an attempt to improve any portion of the country. In the accompanying file of papers, will be found a printed pamphlet, containing the proceedings of a meeting of citizens held at Cincinnati, Ohio, on the 10th of August last, on the subject of a "Rail Road from the banks of the Ohio river, to the tide waters of the Carolinas and Georgia." The enterprize proposed by that meeting, is of the most gigantic character, and contemplates a large expenditure of capital,—but promises, if effected, immensely beneficial results to nearly half of the Union. It is at present exciting much interest in South Carolina and Georgia, and confidence in its practicability and utility seems to be rapidly increasing. The effect that its accomplishment would have upon this State, depends, in a great degree, upon the course which may be pursued with respect to a general system of improvements. If the plan recommended by the Internal Improvement Convention two years since, should be adopted, the Cincinnati project would prove a magnificent extension of our system. If we determine to do nothing ourselves, and permit South Carolina and Georgia to compete alone for the trade of the valley of the Mississippi, the enterprize, nevertheless, promises the most important advantages to the section of the State west of the Alleghany; and is, under all circumstances, entitled to the most favorable consideration. In connection with this subject, I submit a communication from the President of the Petersburg Rail Road Company,—exhibiting statements of the receipts and disbursements on that portion of the road within the limits of this State, and making important suggestions in relation to its further extension within our borders.

The spirit of fanaticism, which has recently been manifested in connection with one species of our population, in various sections of the Union, demands, and will receive your serious consideration. It is no longer possible to conceal it, if we would; and it becomes us, in common with the people of every Southern State, to speak a language upon this subject which will not admit of misapprehension, and exhibit a spirit that shall, at least, command attention and respect. The extent of the operations and designs of these misguided people, will be best understood by an examination of the accompanying file of papers, published under the patronage of the Society of Immediate Abolitionists at New York; which has been transmitted to me by a citizen of this State for your use. This subject first attracted the attention of the Legislature in 1830, when the evil was comparatively in its infancy; and the publication or circulation within this State of these incendiary news-papers and pamphlets, was made a felony punishable by fine, whipping, and the pillory in the first instance; and death for the second offence. It is apparent to all who have any accurate knowledge of our condition, that the public safety imperiously requires the suppression of these wicked and mischievous publications, injurious alike to the best interest of the master and the Slave. This, I apprehend, cannot be effected without the co-operation of the Legislatures of the States from which these missiles proceed. Such an interference with our domestic concerns upon the part of the citizens of a foreign State, either encouraged or permitted by the government, would at once justify a resort to the modes ordinarily adopted for the adjustment of rational differences. If we should exercise greater forbearance in the present instance, it is not because the wrongs we suffer are less injurious or mortifying, when inflicted by the hands of brethren. The obvious design and tendency of these proceedings, is to subvert the Constitution and laws of the country; and we have therefore, an indubitable right to ask of our sister States the adoption of such measures as may be necessary and requisite to suppress them totally and promptly. Upon this question there is no diversity of interest, and can be no difference of opinion. The entire South

and you in the adoption of any measures which may seem best calculated to insure union of counsels, and prompt and energetic action. Under the perfect conviction, that there is no neutral ground which can be occupied either with safety or honor, and that to delay action is to increase danger; I cannot doubt or hesitate as to the course which it becomes us to pursue. It is therefore respectfully recommended as worthy of your consideration, whether Resolutions should not be adopted, inviting the States united with us by the ties of common interest and danger, to co-operate with us in the adoption of such measures as may be necessary to insure our safety; and calling upon the Legislatures of all the States, to enact such penal laws upon this subject, as may be necessary to perpetuate the blessings contemplated in the formation of the Federal Constitution and the Union.

The Report of the Public Treasurer exhibits the condition of our Finances, and suggests the measures proper for their improvement, with a clearness and force of reasoning, highly creditable to that officer. Most of the measures recommended to your consideration, have heretofore occupied the attention of the General Assembly; but have given rise to no efficient legislation. Whether the course pursued by your predecessors, upon this subject, was the one demanded by the public interest, it is scarcely necessary to inquire. If the proposed Constitution shall be rejected, it is certain that you have no alternative other than the diminution of the public expenditures, or the increase of the public revenue. If it shall be adopted, though the necessity for the consideration of this subject may be rendered less absolute, it will remain equally prudent and proper.

In the accompanying file of papers, will be found a communication from the Governor of Kentucky, soliciting an exchange of law reports between that State and this: A similar application upon the part of the State of Maryland, was communicated to the last General Assembly. Reports of the decisions of the Supreme Courts of Maryland, Kentucky, Indiana, Illinois and Missouri, have been received at various periods from the Executive Departments of these States; and have been preserved in the Library belonging to the Executive Office. As this Department has no authority over the subject, it becomes your duty to adopt the measures which seem to be demanded by the courtesy of the States referred to. An interchange of the Statute Laws of all the States, has existed perhaps from the foundation of the government, and seems indeed to be essential to enlightened legislation. The reported decisions of the Courts of the several States, would perhaps be equally important to the Judicial Department of the Government, and would certainly constitute a valuable addition to the public Library.

I have heretofore suggested to the General Assembly, the propriety of revising the laws; regulating the duties of the Public Printer; and beg leave to commend the subject to your consideration. The compensation allowed him for any other than extra work, is altogether inadequate; and as a natural consequence, the laws are most inelegantly and inaccurately printed. It is made the duty of no one to prepare indexes and marginal notes, or revise the proof-sheets; and numerous, and in many instances, material errors have found their way into even the best editions of the laws. Some more certain and definite principle, by which to determine the amount of compensation to be allowed for extra work, should also be prescribed.

The death of the Honorable Henry Seawell, has created a vacancy upon the Bench of the Superior Courts of Law and Equity. which it will be your duty to supply in the progress of the present session. The Judge died during the week designated by law, as the term of Wake Superior Court; and at so late a period in the Circuit, that it was considered inexpedient to convene the Council for the purpose of appointing a successor. His illness occasioned the loss of Johnston and Wake courts; and his death, those of Franklin, Warren, Halifax and Northampton. Casualties of this character, how much soever to be deplored, are often inevitable. It would seem to be at least worthy of inquiry, nevertheless,

whether the frequency of their occurrence might not be lessened, either by changing the periods at which the Courts are required to be held, to a later period of the year, or so far as respects the circuits on which difficulties of this character have most frequently arisen, by merely inverting the order, so as to begin in the healthy and terminate in the sickly counties.

The crowded state of the dockets in some of the large Western counties, is such as to amount, in some degree, to a denial of justice; and calls loudly for a remedy. Perhaps the best method of redress, would be the creation of an additional Circuit; and the extension of the term to two weeks, in cases where the accumulation of business requires it.

A Report from the Commissioners appointed to digest and revise the Public Statute Laws of the State, which will necessarily engage a large portion of your time and attention during the present session, is in preparation, and will be submitted at an early day. The vacancy in the commission, occasioned by the illness and consequent resignation of the late Gavin Hogg, Esq. was, in January last, supplied by the appointment of Frederick Nash, Esq. of Hillsborough, who has been, since that period, assiduously engaged in the discharge of its duties.

Duncan Cameron, and Alfred Jones, Esquires, two of the Commissioners appointed, by an Act of the last General Assembly, to superintend the re-building of the Capitol, having declined the trust, the appointment was, on the 21st of July last, conferred on the Rev. Doctor McPheters, and Doctor John Beckwith, of this City. The Report of the Commissioners, which will be transmitted to you at an early period of the session, will exhibit, in detail, the progress which has been made, and the expenditures which have been incurred in the execution of the work.

My term of office, as limited by the Constitution, will expire before the brief period allotted for the discharge of your duties will have passed away. I trust I may be permitted to avail myself of this last opportunity, before I retire from the active and responsible duties of public life, to comparative quiet and seclusion, to express the deep and grateful sense I entertain of the unwavering confidence and kindness so frequently manifested towards me by the people of North Carolina. In every relation of life, in which it may be my destiny to be placed, my most fervent aspirations will arise to Him who controls the destinies of Nations, as of individuals, for the preservation, in their purity, of our free institutions; and the advancement of our citizens in every thing calculated to promote their prosperity and happiness, and add lustre to the character of the State.

DAVID L. SWAIN.

Executive Department, North Carolina, }
November 16th, 1835. }

[No. 2.]

Legislature of North Carolina.....1835.

REPORT

OF

THE PUBLIC TREASURER,

ON THE

STATE OF THE FINANCES

OF

NORTH CAROLINA,

Transmitted, according to Act of Assembly, on the 16th Nov'r, 1835.

RALEIGH :

PHILO WHITE, PRINTER TO THE STATE,

.....

1835.

TREASURY DEPARTMENT, }
November 16th, 1835. }

SIR :

I have the honor herewith to transmit to you, to be laid before the General Assembly, a Report, prepared in obedience to the Act of 1827, entitled "An act concerning the Public Treasury."

I have the honor to be, with great respect, Sir,

Your obedient Servant,

S. F. PATTERSON.

THE HONORABLE THE SPEAKER
of the House of Commons.

REPORT.

Treasury Department. }

November 16th, 1835. }

To the Honorable the General Assembly of the State of North Carolina :

In obedience to the directions of an act of the General Assembly, passed at the session of 1827, entitled "an act concerning the Public Treasury," the Public Treasurer respectfully submits the following REPORT :

I. Of the Public or Unappropriated Revenue and Expenditures.

The balance of cash in the Public Treasury on the 1st day of November, 1833, was	\$57,877 24
The receipts of the ensuing fiscal year, ending on the 31st day of October, 1834, amounted to	202,127 28
Making an aggregate of	260,004 52
The disbursements during the same period amounted to	191,571 11
Balance 1st Nov. 1834, as reported to the last General Assembly,	68,433 41
The receipts at the Treasury Department for the last fiscal year, that is, from the 31st of Oct. 1834, to the 1st Nov. 1835, amount to one hundred and fifty thousand, one hundred and nine dollars, and fifty six cents, (\$150,109 56) and consist of the following items, viz :	
Cash received from the Sheriffs for public tax of 1834, being the ordinary revenue payable into the Treasury, on the 1st Oct. 1835, and not specifically appropriated,	\$71,740 93
Cash received from sheriffs on account of additional returns of taxes, (see statement A.)	428 19
Ditto Bank of Newbern, for dividend of 10 per cent on 1818 shares of the capital stock, declared in August, 1834,	18,180 00
Ditto Bank of Cape Fear, for dividend of 3 1-2 per cent profit on 10 shares of stock unappropriated, declared in January, 1835,	35 00
Ditto Buncombe Turnpike Company, for dividend of 13 per cent profit on 50 shares of stock, declared in Jan. and Oct. 1834.	650 00
Ditto State Bank of North Carolina, for dividend of profit of 2 per cent on 2768 shares declared in November, 1834,	5,536 00
Ditto State Bank of North Carolina, for dividend of 8 per cent on 2768 shares of the capital stock, declared in March, 1835,	22,144 00
Ditto Bank of Newbern, for dividend of 15 per cent on 1818 shares of the capital stock, declared April, 1835,	27,270 00
Ditto Bank of Cape Fear for dividend of 5 per cent profit on 10 shares of stock unappropriated, declared in May, 1835,	50 00
Ditto ditto for dividend of 1 per cent profit on 10 shares of stock unappropriated, declared July, 1835.	10 00
Ditto Bank of the State of North Carolina, for interest on advance payments, made on 300 shares of stock owned by the State,	621 38

Ditto Bank of the State of North Carolina, for dividend of 2 1-2 per cent profit on 300 shares of stock owned by the State, declared in June, 1835,	750 09
Ditto Bank of the State of North Carolina, for tax of 25 cents on each share of stock owned by individuals in said Bank,	2,250 00
Ditto from Rich'd D. Spaight, being the amount of two days pay as a member of the Legislature, overdrawn through mistake in the certificate at last session,	6 00
Ditto from Miss E. E. Haywood, for rent of public lots for the year 1834,	10 00
Ditto from H. H. Cooke, for his note given for part of the Bushy Branch tract of land,	
Principal	\$201 00
Interest	12 06
	213 06
Ditto from Rufus Haywood, for his bond given for purchase of part of the lands of the late Treasurer Haywood,	
Principal	\$148 33
Interest	66 67
	215 00
	<u>\$150,109 56</u>
Which, added to the balance above stated, will make the sum of	218,542 97
The disbursements at the Treasury from the Public Fund for the same period, that is, from the 31st Oct. 1834, to the 1st November, 1835, amount to the sum of	171,686 67
Which deducted, show the balance of cash remaining in the hands of the Public Treasurer, and for which he is accountable on the 1st day of November, 1835, to be	<u>\$46,856 30</u>
The disbursements for the year, as stated above, and deducted, consist of the following general items, viz:	
General Assembly,	\$40,981 74
Rebuilding Capitol,	70,000 00
Judiciary,	26,201 42
Executive Department,	2,600 00
Treasury Department,	2,000 00
Department of State,	1,166 50
Comptroller's Department,	842 37
Library Fund,	515 15
Contingencies,	7,498 50
Sheriffs for settling Tax,	995,50
Do for comparing Congressional Polls,	497 01
Do for making Convention returns,	966 33
Convention,	10,117 93
Public Printer,	900 00
Pensioners,	1,040 00
Adjutant General's Office,	200 00
Treasury Notes burnt by committee Finance, session of 1834,	5,138 22
Bogue Banks,	10 50
Governor's House,	15 50
	<u><u>\$171,686 67</u></u>

The Statement usually furnished by the Comptroller, for the use of the members of the General Assembly, will be found to contain a detailed exhibit of each and every individual disbursement made at the Treasury Department, during the past year. It is, therefore, respectfully referred to for the particulars in each of the foregoing accounts.

II. Of the Literary Fund.

The balance of cash in the hands of the Public Treasurer, as Treasurer of the Literary Fund, on the 31st Oct., 1834, as reported by him to the General Assembly of that year, was - - - \$19,403 99

The receipts at the Treasury Department, of money belonging to this fund for the last year, that is, from the 31st of October, 1834, to the 1st Nov. 1835, amount to twenty-nine thousand six hundred and seventy dollars and seventy-two cents, (29,670 72) and consist of the following items, viz :

Cash received from the Bank of Newbern, for dividend of 10 per cent of the capital on 141 shares of stock owned by this fund, declared Aug. 1834, - - -	1,410 00
Ditto Bank of Cape Fear, for dividend of 3 1-2 per cent profit on 704 shares of stock appropriated to this fund, declared in Jan. 1835, - - -	2,464 00
Ditto Bank of Cape Fear, for dividend of 3 1-2 per cent profit on 50 shares of stock, owned by this fund, and declared as above, - - -	175 00
Ditto received from the Cape Fear Navigation Company for dividend No. 10 of 2 per cent, declared May 25th, 1831, received Jan. 1835, - - -	566 14
Ditto State Bank of North Carolina, for dividend of 2 per cent profit on 282 shares of stock owned by this fund, declared November, 1834, - - -	564 00
Ditto State Bank of North Carolina, for dividend of 8 per cent capital on 282 shares of stock owned by this fund, declared March, 1835, - - -	2,256 00
Ditto Bank of Newbern, for dividend of 15 per cent capital on 141 shares of stock, owned by this fund, declared April, 1835, - - -	2,115 00
Ditto Cape Fear Navigation Company, for dividend No. 11, on the shares owned by the State, and appropriated to this fund, - - -	650 00
Ditto Bank of Cape Fear, for dividend of 5 per cent profit on 704 shares of stock appropriated to this fund, declared in May, 1835, - - -	3,520 00
Ditto Bank of Cape Fear, for dividend of 5 per cent profit on 50 shares of stock owned by this fund, declared as above, - - -	250 00
Ditto Bank of Cape Fear, for dividend of 1 per cent on 704 shares of stock appropriated to this fund, declared in July, 1835, - - -	704 00
Ditto Bank of Cape Fear, for dividend of 1 per cent on 50 shares of stock owned by this fund, declared as above, - - -	50 00
Ditto Bank of the State of North Carolina, for interest on advance payments, made on 1200 shares of stock in said Bank, subscribed for in behalf of this fund, in May, 1834, - - -	3,106 86

Ditto ditto for interest on an advance payment of the 4th instalment, on 240 shares of stock subscribed for in behalf of this fund in Jan. 1835, - - -	93 70	
Ditto received from the Bank of the State of N. Carolina, for dividend of profit of 2 1-2 per cent on 1550 shares of stock owned by this fund, declared in June, 1835, - - -	3,875 00	
Ditto Ditto for dividend of 2 1-2 per cent profit on 76 shares of stock owned by this fund, subscribed 15th July, 1835, declared in June, 1835, - - -	190 00	
Ditto Ditto for dividend of 2 1-2 per cent profit on 40 shares of stock owned by this fund, subscribed 2nd Oct. 1835, declared as above, - - -	100 00	
Ditto for entries of vacant land, - - -	4,541 30	
Ditto from sundry Auctioneers, for tax on sales at auction, - - -	546 84	
Ditto from sheriffs, for tax on retailers of spiritous liquors, - - -	2,492 88	
	<hr/>	29,670 72

Which, added to the balance above stated, make the aggregate sum of \$49,074 71

The disbursements from the Literary Fund, during the foregoing period, are as follows, viz :

This sum paid Charles Dewey, Cashier of the Bank of the State of North Carolina, for 240 shares of Stock, subscribed for on the 5th Jan. 1835, - - -	24,000 00
This sum paid do. for interest on deferred payment of do, - - -	398 47
This sum paid Wm. R. Hill, for his services as Secretary to the Board of Directors of the Literary Fund, for the year ending 31st Dec. 1834 - - -	20 00
This sum paid Charles Dewey, Cashier of the Bank of the State, for 110 shares of Stock, subscribed May 4th, 1835, - - -	11,000 00
This sum paid ditto for interest on deferred payment of ditto, - - -	342 67
This sum paid ditto do, for 76 shares of Stock, subscribed 15th July, 1835, - - -	7,600 00
This sum paid ditto, for interest on deferred payment of ditto, - - -	321 66
This sum paid ditto do, for 40 shares of Stock, subscribed for on the 2d October, 1835, - - -	4,000 00
This sum paid ditto, for interest on deferred payment of ditto, - - -	224 83

Making an aggregate amount of

\$47,907 63

Which deducted from the amount above stated, leaves a balance in the hands of the Public Treasurer, as Treasurer of the Literary Fund, on the 1st day of November, 1835, of - - -

1,167 08

III Of the Fund for Internal Improvement.

The balance of cash in the hands of the Public Treasurer, as Treasurer of the Fund for Internal Improvement, on the 31st of Oct. 1834, as reported by him to the General Assembly of that year, was		\$6,539 42
The receipts at the Treasury Department, on account of the Fund for Internal Improvement, for the last year, that is, from the 31st Oct. 1834, to the 1st Nov. 1835, amount to fourteen thousand seven hundred and thirty-six dollars and seventeen cents (\$14,736 17) and consist of the following items, viz:		
Cash received from the Bank of Cape Fear, for dividend of 3½ per cent. on 1358 shares of Stock appropriated to this Fund, declared in Jan. 1835,	4,753 00	
Ditto from ditto, for dividend of 5 per cent. on 1358 shares of Stock appropriated to this Fund, declared in May, 1835,	6,790 00	
Ditto from ditto, for dividend of 1 per cent. on the same shares, declared in July, 1835,	1,358 00	
Ditto received from sundry persons on Cherokee bonds,	Principal, \$1,184 44 Interest, 650 73	
	<hr/> 1,835 17	
		14,736 17
Which, added to the balance above stated, forms an aggregate amount of		<hr/> 21,275 59
The disbursements from the fund for Internal Improvement, during the same period, are as follows, viz:		
This sum paid Jas. Wyche, Superintendent of public works, balance of salary and postage.	5 28	
This sum paid Wm. R. Hill, for services as Secretary to the Board of Internal Improvement, for the year 1834,	21 00	
	<hr/>	26 28

Which amount deducted, leaves a balance in the hands of the Public Treasurer, as Treasurer of the fund for Internal Improvement, on the 1st day of November, 1835, of

\$21,249 31

All the disbursements made at the Treasury Department during the year, it is believed, are sustained by the proper and appropriate vouchers; which will be found on file in the Comptroller's Office. The accuracy of the whole, will be tested by the examination of the Committee of Finance.



RECAPITULATION.

The foregoing statements show balances of cash on hand at the close of the business of the fiscal year, ending on the 31st of Oct. 1835, as follows, viz:

Amount as Public Treasurer,	\$46,856 30
Ditto as Treasurer of Internal Improvement Fund,	21,249 31
Ditto as Treasurer of the Literary Fund,	1,167 08

Making an aggregate amount of

\$69,272 69

With which, the Public Treasurer, as such, and as Treasurer of the Literary and Internal Improvement Funds, stands charged on the books of this Department; and for which, he is therefore accountable on the 1st day of Nov. 1835.

The foregoing amount is disposed of (as directed by law) in the following manner, to wit:

Amount deposited in the Bank of the State of North Carolina, at Raleigh, and remaining at the credit of the Public Treasurer	
on the 31st day of October, 1835,	\$59,632 31
Ditto do, in the Bank of Cape Fear, at Fayetteville, on the same day,	6,401 41
Worn Treasury notes redeemed, and in the vault of the Treasury,	3,100 23
Silver change, and cash in the Treasury,	138 74
	<hr/>
Making a corresponding amount of	\$69,272 69
	<hr/>

It will be perceived, on reference to the foregoing REPORT, and on comparing the amount received on account of the *ordinary* revenue, for the year 1834, with the amount received from the same sources for the year 1833, as reported by the late Public Treasurer, that the former exceeds the latter by the sum of three thousand seven hundred and sixty-nine dollars and ninety-seven cents, (3,769 97).—This increase in the revenue of the last year, derivable from taxation, has been owing principally to the fact, that under the fifth section of the revenue law of 1822, licenses have been taken out in several of the principal towns of the State, for erecting and keeping up, under various names, public Gaming-tables, for playing games of chance—each of which is subject to the tax imposed by the said section, of five hundred dollars. It seems not to have been discovered, until within the last year, that any other than a Billiard-table, was the subject of license, by law—as none other has ever heretofore been licensed under the act referred to. It becomes, therefore, a matter of grave inquiry, as it is a subject of great importance to the community, how far it is proper, (if proper at all) to license, or even tolerate, a species of vice evidently tending, in the most alluring forms, to corrupt the public morals, and to lower the standard of public virtue, merely for the purpose of aiding the common sources in replenishing the Treasury, from time to time, with the required amount of revenue.

The attention of the Legislature has been repeatedly called, by my predecessor, to the fact, that the ordinary revenue of the State has been gradually diminishing for a number of years. This fact is no less true now than heretofore; and, unless some mode is speedily devised, of correcting the abuses and fraudulent practices which have grown up under the present system, a resort to an increase of taxation must be the inevitable consequence. The importance of the subject, imposes upon me the duty of respectfully asking the special attention of the Legislature to it, at the present session. A table annexed to the report from this department at the last session, and prepared with great care, exhibiting “comparative statements of the listing and assessment of property for taxation, in 1815, and 1833, with the nett tax accruing thereon,” shows that the aggregate value of the lands listed for taxation in the year 1815 was fifty-three millions five-hundred and twenty-one thousand five-hundred and thirteen dollars, (\$53,521,513)—while the aggregate value in 1833, was only forty-two millions nine-hundred and sixteen-thousand six-hundred and thirty-three dollars, (\$42,916,633)—showing a decrease in valuation, in the space of eighteen years, of eleven millions six-hundred and four-thousand eight-hundred and eighty dollars, (\$11,604,880)—when to this fact is added another, that from the year 1815, to the year 1833, one million two-hundred and forty-nine thousand seven-hundred and fifty-eight acres of land, have been entered and patented, and the value of which has been taken into the aggregate value of the lands listed in 1833, the difference in the valuation at the periods referred to, will be greatly increased.

The defects of the present system of listing lands, are too numerous, and are too well known, to require particular specification in this report. A principal one, however, is believed to be the want of uniformity in affixing a proper value to the lands, when given in for taxation. The practice differs in almost every county, and frequently, in different parts of the same county; the effect is, that, while the honest and conscientious land holder is made to pay a fair proportion of the burthen of supporting the government, his neighbor, who is less scrupulous, and whose conscience is more easily satisfied, pays just that proportion which he, voluntarily, chooses to pay. Similar defects also exist, in the manner of giving in taxable polls; there being no mode pointed out for ascertaining the ages of either white or black polls, much is necessarily left to the honesty and discretion of those whose duty it is to list them for taxation.

Early in the month of January last, the President and Directors of the Literary Fund, held a meeting, at which it was resolved, that the Public Treasurer, as Treasurer of that fund, should subscribe forthwith for as many shares of the reserved stock in the Bank of the State, as the funds on hand would pay for; and that he should, from time to time, as the means of the Literary Fund might accumulate, make such further subscriptions for stock as the accumulating fund would enable him to do. Under this resolution, as well as under the authority and direction of the 5th section of the act chartering the Bank, I subscribed on the 5th day of January last, in the name of the President and Directors of the Literary Fund, for two hundred and forty shares; on the 4th day of May, for one hundred and ten shares; on the 15th of July, for seventy-six shares; and on the 2nd of October, for forty shares: making in the whole, four-hundred and sixty-six shares; which cost the sum of forty-seven thousand eight-hundred and eighty-seven dollars and sixty-three cents, as will be seen by reference to the disbursements, made from the Literary Fund, enumerated under the proper head.

The State has now taken and paid for, of the six-thousand shares of stock, reserved by the charter, nineteen-hundred and sixty-six—(sixteen-hundred and sixty-six of which belongs to the Literary Fund, and three-hundred to the State,)—leaving four-thousand and thirty-four shares, yet to be subscribed: Of this number, the means of the Literary Fund accruing within the ensuing year, will probably pay for two-hundred and fifty, or, perhaps, three hundred. From this view of the subject, it will be seen that there will still be three-thousand seven-hundred shares, or upwards, unsubscribed for. It is a matter of regret, that the State has not had the means hitherto, of taking up the whole of the reserved stock; as the want of this additional capital has tended, in a great degree, to cramp the operations of the Bank, and consequently to curtail in a like proportion, those facilities and accommodations which would otherwise have been extended to the public. Since the adjournment of the last session, an additional branch of the Bank has been established at Fayetteville, which is intended, in some degree, to supply the place of the United States Branch Bank recently discontinued at that place; and should the Legislature make the necessary provision for paying in full for the remaining shares of Stock reserved to the State, it would enable the Bank to establish other branches and agencies in sections of the State, not now supplied with capital; and thereby, to give increased facilities to the people in their agricultural and commercial pursuits. The attention of the Legislature is respectfully invited to this subject, at the present session,—as the right of the State to take the shares yet unsubscribed for, will expire by the express limitation of the charter, on the first day of January, 1837.

It will be observed, upon reference to the statement of receipts and expenditures for the last fiscal year, that the loan of forty thousand dollars, contemplated by the last Legislature, and authorized by a resolution of that body, has not been made. At an early period, after the adjournment of the last session, (believing that the loan would become necessary,) I opened a correspondence with the Bank of Cape Fear, the Bank of the State, and the Bank of the United States, to ascer-

tain upon what terms the loan could be had, in case the exigencies of the Treasury should require it: The terms proposed by each of these institutions, were nearly the same—varying only in this particular: that the bank of the State proposed to receive the re-imbusement of the money, at any time when it might suit the convenience of the State to make it, or in other words, that the Public Treasurer should be at liberty to fix the length of the periods for which the loan should be made. Determining, however, not to exercise the authority given me by the resolution, until driven to it by necessity, I refrained from taking any further steps in the matter, until by the timely declaration of dividends of capital made by the State Bank, and Bank of Newbern, on the shares owned by the State in each; the Treasury was so replenished as to remove entirely all necessity for further action upon the subject. The sources, however, from which such opportune relief was brought to the Treasury, during the past year, are now nearly exhausted; and it has been determined by the State Bank, that no further dividend of capital shall be declared, until the expiration of the charter; at which time it is contemplated to make a dividend of the whole of its means, and bring its affairs to a final close; so that all hope of revenue from that quarter, will be cut off, until after the first day of January, 1838. What course the Bank of Newbern intends to pursue, in regard to the final close of its concerns, is not known to this department; no certain calculation, therefore, can be made on receiving aid from that source. It is perfectly evident, then, from every view of the present state of the Treasury, that a loan will be required at a very early period of the ensuing year. The amount necessary to be borrowed, will depend, in a great degree, upon the circumstance, whether or not an additional appropriation shall be made, to continue the work upon the new Capitol, and to what amount? When that question is determined, some estimate may be formed as to the probable amount required.

Under a resolution passed at the last session of the General Assembly, directing the Public Treasurer to commence suits on all bonds given for Cherokee lands, on which one-fourth of the principal and interest due shall not be paid on or before the 1st day of December, 1835, I proceeded at an early period, after the adjournment of the last session, to notify every individual purchaser of the Cherokee lands, whose bonds remained unpaid, of the purport of the resolution referred to, and requested their immediate attention to the subject. I regret to say, that but very few of them have, as yet, availed themselves of its terms: It is alleged, however, by the members who represented the county of Macon, in the last Legislature, that an error has been committed in the enrollment of the resolution; that it should have been "1836," instead of "1835." I mention this circumstance for the purpose of directing your attention to the subject; as in the event of no provision being made to the contrary, before the 1st day of December next, I shall feel it to be my duty to proceed under the resolution as it now exists.

Another clause of the resolution above mentioned, authorizes the Public Treasurer to institute an inquiry into the solvency of the Cherokee bonds now due; and if he should think proper, to commence suits on such of them as may be deemed doubtful; or permit them to be renewed under the provisions of the resolutions on that subject, passed in 1829. This inquiry has been instituted,—but the result is not yet satisfactorily ascertained. So soon as it shall be, I will endeavor to exercise the discretion, vested in me by the resolution, in such a manner as will best promote the interest of the State.

By an act of the General Assembly, passed at the last session, entitled "An act directing the conveyance of the commons adjoining the town of Franklin, to the Chairman of Macon county court," it is made the duty of the Governor, to cause a grant to be issued to the said Chairman and his successor in office, for the lands described, whenever he shall execute to the State bonds with security to the satisfaction of the Public Treasurer, for the payment of three dollars per acre, for each and every acre of said land, payable in four annual instalments. Under another provision of the act, a survey of the land has been made; and four several

bonds, bearing date the 21st day of February, 1835, for the sum of two hundred and seventy-five dollars and twenty-five cents each, have been executed, as required by the Act, by the Chairman of Macon county Court, with security deemed ample by the Public Treasurer, and are now on file in this Department.

The statement marked C, accompanying this report, will show the amount of Treasury Notes issued under the several acts of the Legislature on that subject—the amount at different times redeemed and burnt by the Committee of Finance; and the amount yet unredeemed. Of this latter amount, viz. \$52,511 92 it is believed that, at least two-thirds, perhaps three-fourths, have been lost or destroyed. Most of the bills which are now presented at the Treasury for redemption, are so exceedingly mutilated, as frequently to make it difficult even to tell their denomination; and almost impossible to detect those that are counterfeit, and those that are composed of various parts of bills arranged and pasted together. The withdrawal of so large an amount of change from circulation, within a few years, has produced serious inconvenience in the payment of small sums of money; which has not yet been overcome by the efforts of the Bank of the State, to furnish a sufficiency of specie-change for ordinary circulation. This inconvenience has been particularly felt in the transactions of this department during the last year. Most of the Treasury bills now offered for redemption, are presented in small amounts, and not unfrequently in a single bill at a time. It is therefore respectfully suggested, whether the Public Treasurer should not be authorized to incur a small expense, to procure from the United States Mint, or elsewhere, an amount of specie-change, sufficient to redeem these bills, and to facilitate the business of receiving and paying in this department generally.

The suits heretofore pending between the State and the Banks of Newbern and Cape Fear, were decided at the last term of the Supreme Court, in favor of the Banks; for the grounds upon which the decision was made, I beg leave to refer to the report of the case itself.

The tax of twenty-five cents per share, for the last year, imposed by the amended charter, on the stock held by individuals in the Bank of Cape Fear, amounting to \$797 50, has been paid; although the amount was not received until after the accounts for the fiscal year were closed.

A dividend of eleven per cent has been declared for the year, ending on the first day of November, instant, on the Stock held by the State in the Buncombe Turnpike Company, amounting to \$550, which amount has also been received at this office since the first of the present month.

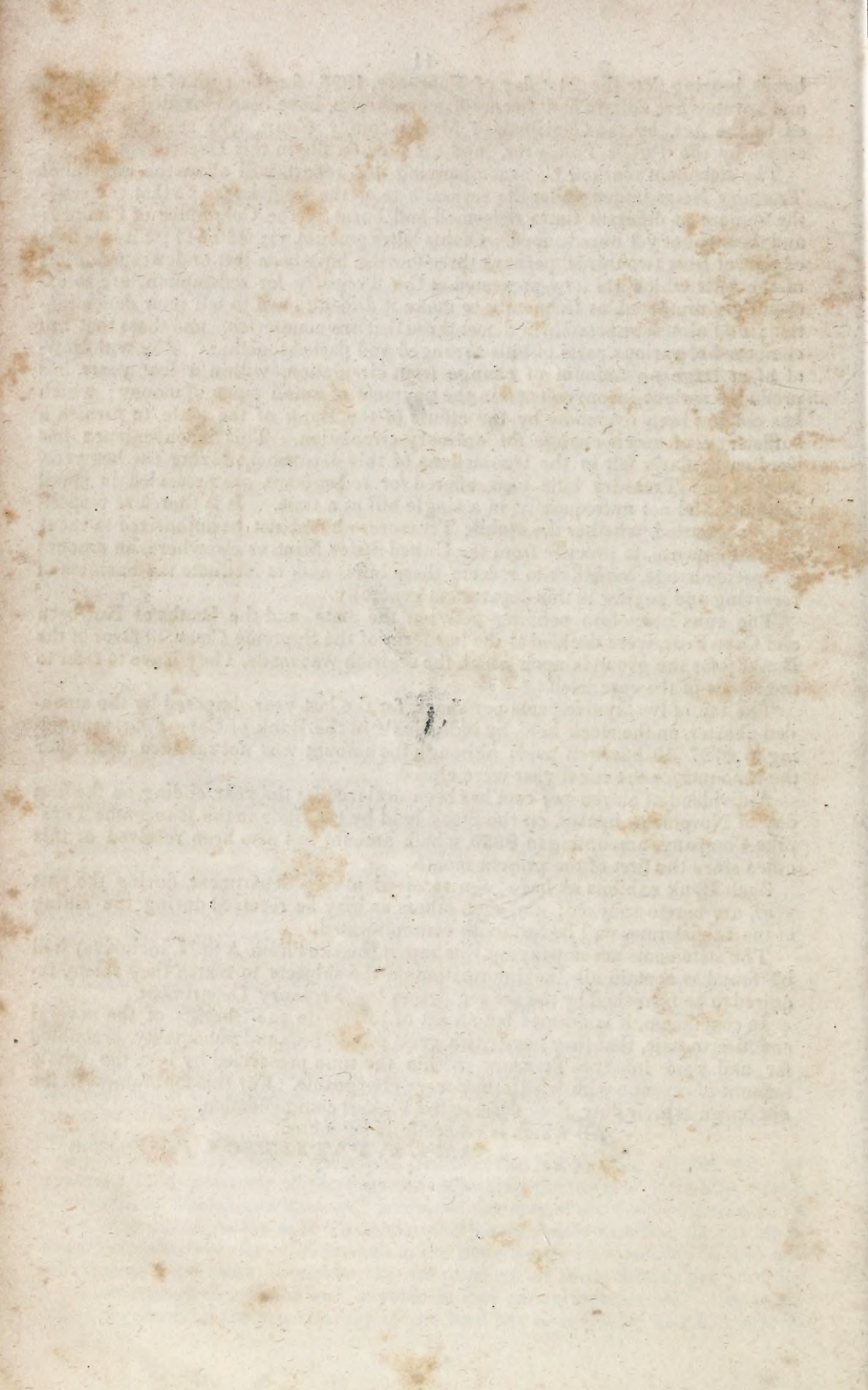
Such Bank exhibits as have been received at this department, during the past year, are hereto annexed; and such others as may be received during the sitting of the Legislature, will be forthwith communicated.

The statements accompanying this report, (marked from A to H, inclusive) will be found to contain all the information on the subjects to which they relate, required to be furnished by the act regulating the Treasury Department.

In conclusion, it is deemed but an act of justice to the Sheriffs of the several counties, to state, that they have, with great promptness and punctuality, accounted for and paid into the Treasury, within the time prescribed by law, the whole amount of revenue with which they were chargeable. For this faithfulness in the discharge of their duty, they deserve the highest commendation,

All which is respectfully submitted,

SAM'L E. PATTERSON, *Pub. Treasurer.*



A.

Statement of Cash received in the Treasury, from the 31st day of October, 1834,
to the 1st day of November, 1835, on additional returns of taxes:

Sheriffs.	Counties.	Tax due.	Amount paid.
			D. C.
Fielding Slater,	Rowan,	1833.	4 34
John J. Bryan,	Wilkes,	"	7 52
William Crawford, (late)	Richmond,	"	48 69
Thomas Pasteur,	Craven,	"	73 24
Thomas Lea,	Caswell,	"	41 91
Henry S. Spencer,	Hyde,	"	23 71
William Carson,	Rutherford,	"	36 25
Nathan'l Harrison, (late)	Buncombe,	"	82 41
Richard G. Cowper,	Hertford,	"	17 94
James H. Wood,	Northampton,	"	30 77
John McLean,	Cumberland,	"	17 63
George Cromartie, (late)	Bladen,	"	20 63
Howell Albritton,	Pitt,	"	8 19
John A. Barnet,	Person,	"	11 06
Lewis Bond, (late)	Bertie,	"	4 20
			<u>428 19</u>

B.

Statement of Cash received in the Treasury on the Bonds due on account of sales of Cherokee Lands, from 31st of October, 1834, to the 1st November, 1835, belonging to the Fund for Internal Improvement.

Date.	From whom received.	Bonds paid.	Principal.	Interest.	Total.
1834			D. C.	D. C.	D. C.
Nov. 21	John Latham	full 1st, 2d	26 50	15 43	41 93
"	Ely Ritchey	do 3, prt. 4	15 63	6 37	22 00
"	Humphrey Posey	part 4th	93 20	21 80	120 00
Dec. 17	Humphrey Posey	full 3d, 4th	26 99	147 37	174 36
"	James Shearer	part 3d	19 00	5 64	24 64
30	John Addington	full 3d, 4th	48 91	25 75	74 66
"	Lincoln Fullum	part 4th	52 00		52 00
1835					
Jan'y 2	John Redmond	full 4th	11 98	9 32	21 30
"	Joseph E. Bell	do 4th		14 47	14 47
"	Jonathan Coward	part 4th	24 77	25 23	50 00
"	Lincoln Fullum	part 3d	40 00		40 00
9	Robt. Love and J. Moore	full 1st	66 75	20 47	87 22
"	do do	do 2d	133 50	40 05	173 55
"	do do	do 3d	133 50		133 50
June 4	Margaret Welch	do 1st		54 02	54 02
10	Joseph Welch	do 2, 3, 4	415 50	174 81	590 31
"	Michael Wickle	do 4th	16 11	46 63	62 74
Sept. 16	Jacob Palmer	do 4th	25 01	23 46	48 47
"	John Cutcher	do 3d	10 62 $\frac{3}{4}$	5 45	16 07 $\frac{3}{4}$
"	do	do 4th	19 46 $\frac{1}{4}$	14 46	33 92 $\frac{1}{4}$
			1184 44	650 73	1835 17

C.

Statement of Treasury Notes issued and reported to the Comptroller, and put in circulation, according to the Acts of Assembly of 1814, 1816, and 1823.

Amount issued under the Act of 1814	-	-	\$82,000 00
do do do 1816	-	-	80,000 00
do do do 1823	-	-	100,000 00

262,000 00

Amount burnt by the Committee of Finance, according to the Comptroller's Report of 1819	943 34
do do do 1821	7,710 00
do do do 1822	9,784 52
do do do 1823	6,310 51 $\frac{1}{4}$
do do do 1824	5,696 25
do do do 1825	12,170 89
do do do 1826	15,392 46
do do do 1827	15,523 98
do do do 1827	9,303 76
do do do 1828	17,781 89
do do do 1829	19,971 85
do do do 1830	21,601 91
do do do 1831	29,811 77
do do do 1832	18,681 38 $\frac{3}{4}$
do do do 1833	10,565 41
do do do 1834	5,138 22
	<hr/>
	206,387 85

55,612 15

3,100 23

Deduct amount on hand in the Vault of the Treasury,

Showing balance unredeemed, and in circulation, of

\$52,511 92

D.

Statement, showing the number of shares of Bank Stock owned by the State of North Carolina, and by the President and Directors of the Literary Fund, 1st November, 1835.

Shares of Stock of the Bank of the State of North Carolina, held in the name of the State of North Carolina,	300	
Shares of stock owned by the President and Directors of the Literary Fund,	1666	1,966
Do do stock in the Bank of Cape Fear, owned by the State, and dividends unappropriated,	10	
Do Dividends appropriated to the Fund of Internal Improvement,	1,358	
Do owned by the President and Directors of the Literary Fund and purchased with the cash belonging to that Fund,	50	
Do dividends appropriated to the Literary Fund,	704	2,122
Do Shares of Stock in the Bank of Newbern, owned by the State and dividends unappropriated,	155	
Do do dividends appropriated to the Fund for Internal Improvement,	1,304	
Do do dividends appropriated to the Literary Fund,	359	
Do do owned by the President and Directors of the Literary Fund and purchased with the cash belonging to that Fund,	141	1,959
Do shares of stock in the State Bank of North Carolina, owned by the State, and dividends unappropriated,	2,768	
Do owned by the President and Directors of the Literary Fund, and purchased with the cash belonging to that Fund,	282	3,050
Aggregate number of shares		9,097

The State has received on the Stock of the State Bank of North Carolina, the following dividends of the capital, viz:

One dividend of	\$50 per share.
" ditto "	20 " "
" " "	10 " "
" " "	8 " "

Total capital received of State Bank \$88 per share.

On the Stock of the Bank of Newbern:

One dividend of	\$25 per share
" " "	20 " "
" " "	10 " "
" " "	15 " "

Total capital received of Bank of Newbern, \$70 per share

E

Statement of the nett produce of the different branches of Revenue and the amount of cash received thereon into the Public Treasury, from the 31st day of Oct. 1834, to the first of November, 1835.

Branches of Revenue.	Amount.		Aggregate.	
	D	C	D	C.
Tax on land	23,259	75		
“ “ Town property	1,539	98		
“ “ Polls	28,284	52		
“ “ Stud horses	1,528	71		
“ “ Gates	117	50		
“ “ Stores	9,352	06		
“ “ Pedlers	3,219	50		
“ “ Artificial curiosities,	733	20		
“ “ Natural do	267	90		
“ “ Billiard-tables and tables of chance	3,290			
“ “ Brokers and Lottery Offices	376			
“ “ Penalty for failing to comply with act of 1834,	200			
BANK TAX.			72,169	12
Bank of the State	2,250			
BANK DIVIDENDS.				
Buncombe turnpike company, dividend on stock,	650			
Bank dividends on unappropriated stock	6,381			
Dividend of State Bank stock,	22,144			
Dividend on Bank of Newbern stock	18,180			
Dividend of Bank of Newbern stock	27,270			
Cash received from Bank of the State of N. C. for interest on advanced payments of stock in said Bank held by the State	621	38		
Cash received for the rent of public land	10			
“ from Henry H. Cooke, on his bond,	213	06		
“ from Richard D. Spaight	6			
“ from Doct. Rufus Haywood, for his bond,	215			
			77,940	44
Aggregate amount, received on account of public fund,	-	-	150,109	56
LITERARY FUND.				
Amount received for Bank Dividends of profit	11,892			
“ Cape Fear Navigation, dividends No. 10 and 11,	1,216	14		
“ Dividend of State Bank stock	2,256			
“ “ of Bank of Newbern stock	3,525			
“ Received of the Bank of the State of N. C. for interest on advanced payments of stock in said Bank,	3,200	56		
“ Tavern tax for the year 1834	2,492	88		
“ Auction tax “ “ 1834 and 1835	546	84		
“ Entries of vacant land for 1835	4,541	30		
Aggregate amount of Literary Fund,			29,670	72
INTERNAL IMPROVEMENT FUND,				
Am't of dividends on stock, appropriated to Internal Improvements,	12,901			
“ On Cherokee bonds,	1,835	17		
Aggregate am't of Internal Improvement Fund,			14,736	17
Aggregate am't received on ac't of Public Fund, Literary Fund, and Fund for Internal Improvement,			194,516	45

F.

Statement of Insolvents allowed by the Comptroller to the Sheriffs in their settlement of the Taxes of 1834.

Sheriffs.	Counties.	No. Polls.	Amount.
			D. C.
William Thompson, Sheriff	Wayne	65	13 00
George Hoover	Randolph	6	1 20
Fielding Slater	Rowan	193	38 60
William G. Jones	Warren	79	15 80
John B. Dawson	Craven	211	42 20
James Simmons	Halifax	170	34 00
Joseph M'Connaughey	Mecklenburg	98	19 60
Paschal B. Burt	Wake	106	21 20
William B. Cole	Richmond	56	11 20
James Truit.	Macon	31	6 20
William Carson	Rutherford	166	33 20
Thomas Wilson	Yancy	14	2 80
James R. Riddick	Gates	75	15 00
Joshua A. Pool	Pasquotank	43	8 60
William D. Rascoe	Chowan	24	4 80
James Long	Perquimons	49	9 80
John M'Lean	Cumberland	78	15 60
Richard G. Cowper	Hertford	106	21 20
James H. Wood	Northampton	99	19 80
Martin Roberts	Rockingham	99	19 80
Risden M. M'Daniel	Jones	23	4 60
John D. Bennett	Washington	18	3 60
John W. Taylor	Green	36	6 60
James W. Doak	Guilford	92	18 40
Guston Perry	Franklin	123	24 60
William Kennedy	Davidson	56	11 20
Salathiel Stone	Stokes	101	20 20
Isaac Baxter	Currituck	28	5 60
Howell Albritton	Pitt	75	15 00
William D. Petway	Edgecomb	91	18 20
Joseph M. Bogle	Iredell	95	19 00
Peter Harrell	Onslow	17	3 40
Hampton B. Hammond	Anson	111	22 20
Absalom Fulford	Carteret	45	9 00
Enos Rutledge	Surry	75	15 00
John J. Bryan	Wilkes	41	8 20
Horace D. Bridges	Chatham	165	33 00
Allen S. Ballenger	Johnston	52	10 40
		3009	601 80

G.
State of the Bank of Cape Fear, on the morning of Wednesday, 1st July, 1835.

	Dollars.		Dollars.
Capital Stock,	531,200	Specie Funds,	130,177
Notes of this Bank in circulation,	675,260	Deposites in Foreign Banks,	432,008
Deposites,	112,660	Notes of other Banks in hand,	16,950
Dividends unpaid,	7,353	Due by Banks in North Carolina,	4,017
Due to Banks,	43,617	Real Estate,	77,114
Profit and loss,	10,191	Debt,	720,015
	1,380,281		1,380,281

JOHN HILL, Cash'r.

H.
State of the Bank of Cape Fear, on the morning of Thursday, the 1st October, 1835.

	Dollars.		Dollars.
Capital Stock,	531,200	Specie Funds,	119,985
Notes in circulation,	612,507	Deposites in foreign Banks,	327,658
Deposites,	96,262	Notes of other Banks on hand,	24,893
Dividends unpaid,	2,127	Due by Banks in North Carolina,	1,868
Due to Banks,	94,521	Real Estate,	77,116
Profit and loss,	20,931	Debt,	806,028
	1,357,548		1,357,548

JOHN HILL, Cash'r.

[No. 3.]

Legislature of North Carolina.....1835.

REPORT

OF

THE PRESIDENT AND DIRECTORS

OF THE

LITERARY FUND

OF

NORTH CAROLINA,

Transmitted, according to Act of Assembly, on the 24th Nov'r, 1835.

RALEIGH :

Philo White, Printer to the State.

.....
1835.

EXECUTIVE DEPARTMENT, N. C. }

Raleigh, Nov. 24, 1835. }

To the General Assembly of the State of North-Carolina :

I transmit herewith the Report of the President and Directors of the
Literary Fund, for the year eighteen hundred and thirty-five.

DAVID L. SWAIN.

REPORT.

To the General Assembly of the State of North Carolina:

The President and Directors of the Literary Fund, in obedience to the Act of Assembly requiring them to cause to be kept by the Treasurer, for the State, a regular account of all such sums of money as may belong to the said fund; of the manner in which the same has been applied and vested; and to make an annual report thereof, to the Legislature, with such recommendations for the improvement of the same as to them shall seem expedient, respectfully **REPORT**: that

The receipts at the Treasury on account of the Literary Fund, for the year ending on the first day of November, 1835, have been as follows, viz:

The balance of cash in the hands of the Public Treasurer, as Treasurer of the Literary Fund, on the 31st Oct., 1834, as reported to the General Assembly of that year, was \$19,403 99½

The receipts at the Treasury Department, of the money belonging to this fund for the last year, that is, from the 31st of October, 1834, to the 1st Nov. 1835, amount to twenty-nine thousand six hundred and seventy dollars and seventy-two cents, (29,670 72) and consist of the following items, viz:

Cash received from the Bank of Newbern, for dividend of 10 per cent of the capital on 141 shares of stock owned by this fund, declared Aug. 1834,	1,410 00
Ditto Bank of Cape Fear, for dividend of 3 1-2 per cent profit on 704 shares of stock appropriated to this fund, declared in Jan. 1835,	2,464 00
Ditto Bank of Cape Fear, for dividend of 3 1-2 per cent profit on 50 shares of stock, appropriated to this fund, and declared as above,	175 00
Ditto received from the Cape Fear Navigation Company for dividend No. 10 of 2 per cent, declared May 28th, 1831, received Jan. 1835,	566 14
Ditto State Bank of North Carolina, for dividend of 2 per cent profit on 282 shares of stock owned by this fund, declared November, 1834,	564 00
Ditto State Bank of North Carolina, for dividend of 8 per cent capital on 282 shares of stock owned by this fund, declared March, 1835,	2,256 00
Ditto Bank of Newbern, for dividend of 15 per cent capital on 141 shares of stock, owned by this fund, declared April, 1835,	2,115 00
Ditto Cape Fear Navigation Company, for dividend No. 11, on the shares owned by the State, and appropriated to this fund,	650 00
Ditto Bank of Cape Fear, for dividend of 5 per cent profit on 704 shares of stock appropriated to this fund, declared in May, 1835,	3,520 00
Ditto Bank of Cape Fear, for dividend of 5 per cent profit on 50 shares of stock owned by this fund, declared as above,	250 00

Ditto Bank of Cape Fear, for dividend of 1 per cent on 704 shares of stock appropriated to this fund, declared in July, 1835,	704 00
Ditto Bank of Cape Fear, for dividend of 1 per cent on 50 shares of stock owned by this fund, declared as above,	50 00
Ditto Bank of the State of North Carolina, for interest on advance payments, made on 1200 shares of stock in said Bank, subscribed for in behalf of this fund, in May, 1834,	3,106 86
Ditto ditto for interest on an advance payment of the 4th instalment, on 240 shares of stock subscribed for in behalf of this fund in Jan. 1835,	93 70
Ditto received from the Bank of the State of N. Carolina, for dividend of profit of 2 1-2 per cent on 1550 shares of stock owned by this fund, declared in June, 1835,	3,875 00
Ditto Ditto for dividend of 2 1-2 per cent profit on 40 shares of stock owned by this fund, subscribed 2nd Oct. 1835, declared as above,	100 00
Ditto Ditto for dividend of 2 1-2 per cent profit on 76 shares of stock owned by this fund, subscribed 15th July, 1835, declared in June, 1835,	190 00
Ditto for entries of vacant land,	4,541 30
Ditto from sundry Auctioneers, for tax on sales at auction,	546 84
Ditto from sheriffs, for tax on retailers of spiritous liquors,	2,492 88
	<hr/> 29,670 72

Which, added to the balance above stated, make the aggregate sum of \$49,074 71

The disbursements from the Literary Fund, during the foregoing period, are as follows, viz :

This sum paid Charles Dewey, Cashier of the Bank of the State of North Carolina, for 240 shares of Stock, subscribed for on the 5th Jan. 1835,	24,000 00
This sum paid do. for interest on deferred payment of do,	398 47
This sum paid Wm R. Hill, for his services as Secretary to the Board of Directors of the Literary Fund, for the year ending 31st Dec. 1834	20 00
This sum paid Charles Dewey, Cashier of the Bank of the State, for 110 shares of Stock, subscribed May 4th, 1835,	11,000 00
This sum paid ditto for interest on deferred payment of ditto,	342 67
This sum paid ditto do, for 76 shares of Stock, subscribed 15th July, 1835,	7,600 00
This sum paid ditto, for interest on deferred payment of ditto,	321 66
This sum paid ditto do, for 40 shares of Stock, subscribed for on the 2d October, 1835,	4,000 00
This sum paid ditto, for interest on deferred payment of ditto,	224 83

Making an aggregate amount of

\$47 907 63

Which deducted from the amount above stated, leaves a balance in the hands of the Public Treasurer, as Treasurer of the Literary Fund, on the 1st day of November, 1835, of

1,167 03

The annexed table, marked A, exhibits a statement of the several species of Stock belonging to the Literary Fund, and of Stocks, the dividends of which were appropriated to it by the act creating the corporation. The profits arising from the stock referred to; the tax accruing from the sales at auction; the tax paid by retailers of spirituous liquors; and sums paid for entries of vacant land, are at present the only sources of accumulation. These may be estimated to produce, during the next year, the sum of twenty-five thousand dollars; which, under a standing resolution of the Directors, will be invested in stock of the Bank of the State, at every period, when the cash in the Treasury will be equal to the payment of ten shares. Small as these sources of revenue seem to be, they are constantly increasing; and if permitted to accumulate, at no very remote period will realize the liberal and extended views of the enlightened statesmen, to whom we are indebted for the foundation of this charity.

The swamp lands, nominally the property of this Board, are entirely unproductive, and must continue to be so, until the Legislature shall either determine upon permitting them to be improved, in some of the modes which have been suggested in the various Reports heretofore submitted upon this subject, or dispose of them by sale or entry. If neglected many years longer, there is much reason to apprehend, that they will be greatly diminished in value, from the trespasses daily committed upon them. They were originally covered with immense forests of the finest timber, now constantly becoming scarcer, and consequently of greater value; and no plan has yet been devised either to punish or prevent trespasses.

The resolution adopted by the General Assembly in 1833, directing the Board to purchase a Library for the State, has been partly complied with. In addition to the purchase of a portion of the Library of the late Judge Murphey, as stated in the last Report, a few valuable books for the Legislative department of the Library, have been purchased through the agency of Turner & Hughes, book-sellers of this city, and are deposited in the Executive Office for the use of the members of the General Assembly. A good Law Library, which besides, being an indispensable part of a public Library, was greatly needed by the Supreme Court, and will be a most important acquisition to the Judicial branch of the Government, has been purchased under the direction of Judge Gaston, in New York. The boxes containing these books, were received a few days since; but as there is no place provided for the preservation of the books, under such circumstances as to admit of convenient reference, they have not been opened. A complete catalogue of all the works purchased, is in preparation; but may not be completed in time to be submitted to you, before your adjournment.

DAVID L. SWAIN, *President*

A.

Shares of Stock owned in the Bank of the State of North Carolina,	1660	
Do. do. Stock owned in the Bank of Cape Fear,	50	
	<hr/>	1716
Do. do. Stock owned in the Bank of Newbern,	141	
Do. do. Stock owned in the State Bank of North Carolina,	282	
	<hr/>	423



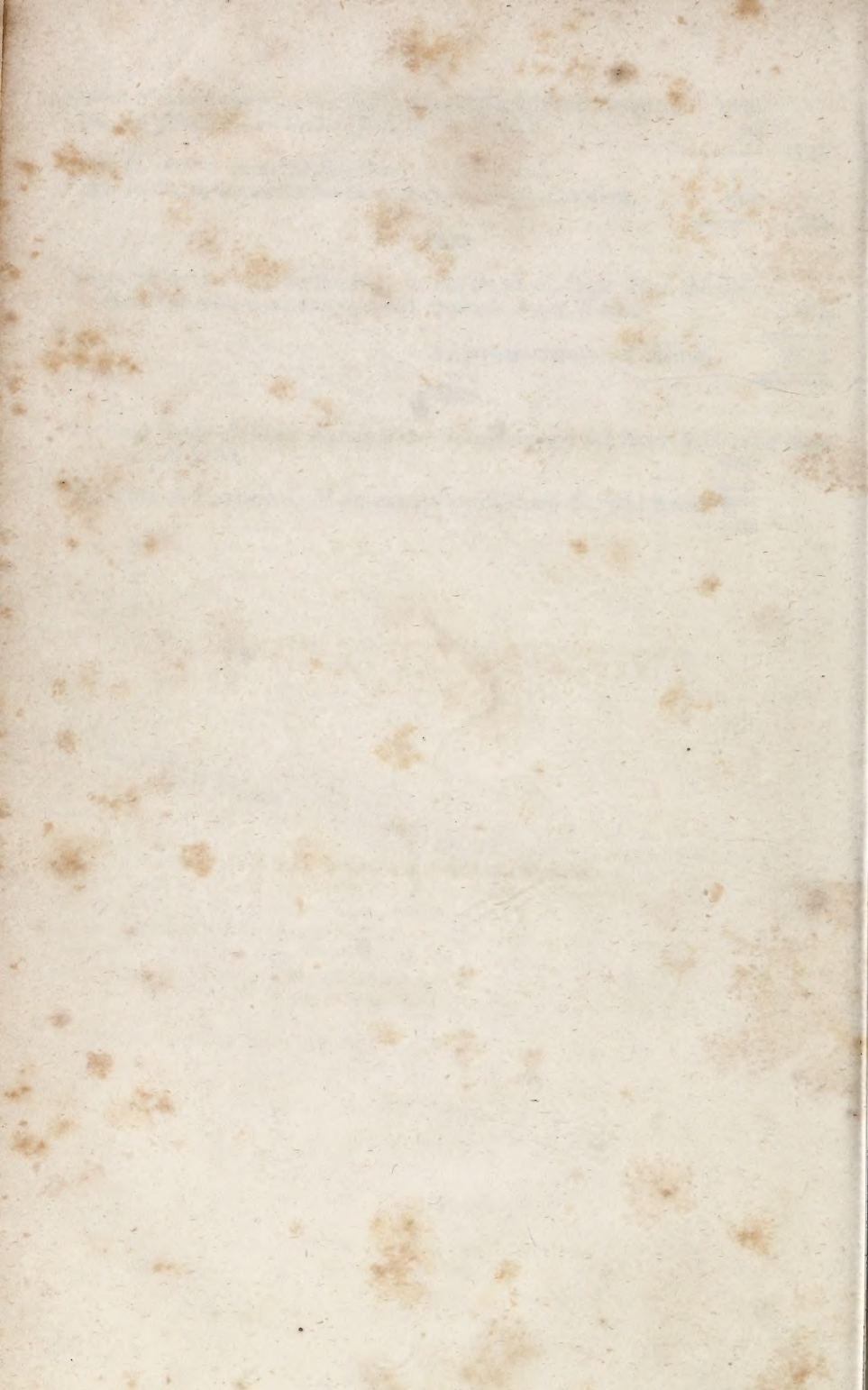
Shares of Stock owned by the State in the Bank of Cape Fear, the dividends of which are appropriated to the Literary Fund,	704
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Aggregate number of Shares,	<hr/> <hr/> 2842
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The State Bank of North Carolina has divided among her Stock holders on each share of \$100,	<hr/> \$88
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The Bank of Newbern, in like manner, on each share of capital Stock,	<hr/> <hr/> \$70
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[No. 4.]

Legislature of North Carolina—1835.

MESSAGE

OF

THE GOVERNOR,

IN RELATION TO THE

STOCK RESERVED TO THE STATE

IN THE

BANK OF THE STATE.



RALEIGH:

Philo White, Printer to the State.

.....

1835.

1851-1852

THE

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STATE

STATE

1851

MESSAGE.



To the General Assembly of the State of North Carolina :

The Act of the General Assembly, passed in 1833, to establish the Bank of the State of North Carolina, provides that the capital Stock of that institution shall not exceed a million and a half of dollars; of which, the State shall be entitled to subscribe (two fifths) six hundred thousand dollars, and individuals (three-fifths) nine hundred thousand dollars.

The amount limited for individual subscription, was promptly taken within the period prescribed by law. Of the Stock reserved for the State, three hundred shares of one hundred dollars each, have been subscribed and paid for by the Public Treasurer; and seventeen hundred shares have, in like manner, been subscribed and paid for by him as Treasurer of the "Literary Fund," in compliance with a Resolution of the President and Directors of that corporation. The remaining four thousand shares have not been taken; and the fifth section of the Act provides, that unless "they shall be subscribed and paid for, on or before the first day of January, 1837, the State shall no longer have the privilege of taking them."

The attention of the last General Assembly was directed to this subject, in the annual Message at the commencement of the session; and various plans were proposed in that body, to accomplish the object contemplated by the provision in the act referred to. No one of these plans having been adopted, the subject now returns upon you for consideration; and as the privilege of subscribing will expire at the end of twelve months, no alternative is afforded, other than to provide at the present session, the necessary means to pay for the Stock, or the abandonment of the right.

The Branch of the Bank of the United States, at Fayetteville, has been recently discontinued, and the debtors have been transferred to the Branch of the Bank of the State, simultaneously established in that town. This arrangement has had the effect to prevent much inconvenience and pecuniary distress, which might have ensued a different course of policy; but a considerable amount of capital has nevertheless been withdrawn from circulation. The capital of the Bank of Cape Fear has, by recent subscriptions, been increased to \$800,000; the capital of the Merchants' Bank of Newbern, is \$125,000; and the capital of the Bank of the State, actually subscribed and paid, \$1,100,000: making the aggregate amount of the banking capital of the State, two millions and twenty-five thousand dollars. If to this sum, be added the amount of Stock reserved for the State, (\$400,000) by the Charter of the Bank of the State, the aggregate will be less than the combined capital employed by the State Bank and the Banks of Newbern and Cape Fear in 1815. No apprehension need therefore be entertained, that the evils ordinarily attendant upon an excess of banking capital, will arise from the proposed subscription.

It is believed, that the delay upon the part of the Legislature, to make the subscription, has in no degree been influenced by considerations of this character. That this additional banking capital might be conveniently employed, and that, as a measure of finance, it was important to secure the stock for the State, has been generally conceded. The impossibility of attaining the object from any resources of our own, and unwillingness to resort to a loan for this purpose, have alone occasioned hesitation.

It affords me much pleasure to be able to state, that circumstances which have occurred since the last session will obviate these difficulties, if not entirely, to a considerable extent at least. The trustees of the University have within the last few weeks disposed of the entire body of their lands in Tennessee. The annual report of the Treasurer of the University, which will be submitted in the course of a few days, will exhibit a detailed statement of the financial condition of this Institution. Without entering into a particular examination of it at present, it is considered sufficient to state, that the trustees entertain the opinion, that if authorized to do so, they can manage their resources in such a manner as to secure stock in the Bank of the State to the amount of one hundred and fifty thousand dollars. If a like privilege is conceded to the President and Directors of the Literary Fund, they can, by a pledge of a small portion of their scrip, obtain the necessary means to justify an immediate subscription for stock, to the amount of fifty thousand dollars.— A permanent fund of this character, is exceedingly well suited to the condition of both these Institutions—if not, indeed, essential to their existence; and it is a source of congratulation, that it is in your power, by extending the commercial facilities of the community, at the same time to extend substantial encouragement to literature and science, by the encouragement of the University, and the increase of the Literary Fund. The constitutional obligation “to encourage useful learning in one or more Universities, and to establish schools for the convenient instruction of youth,” though not fully performed, may be thus appropriately recognized.

To secure the remaining two thousand shares, the only mode which has occurred to me as prudent and practicable, is that which was submitted to the General Assembly at the last session. I have great confidence that a stock may be created and disposed of, and the money obtained on terms that will render the subscription upon the part of the State decidedly advantageous, if merely regarded as a financial expedient.

This measure has, however, been so fully discussed on previous occasions, and been the subject of deliberate investigation by the Legislature, that it is deemed respectful, at present, merely to suggest it as entitled to favorable consideration.

DAVID L. SWAIN.

*Executive Department, North Carolina, }
November 23d, 1835.*

[No. 5.]

Legislature of North Carolina—1835.

MESSAGE

OF

THE GOVERNOR,

TRANSMITTING

A COMMUNICATION

FROM

THE COMMISSIONERS

APPOINTED TO

REVISE THE PUBLIC STATUTES.

—•••••—

RALEIGH :

Philo White, Printer to the State,

—•••••—

1835.

[No. 5.]

Legislature of North Carolina—1835.

MESSAGE

OF

THE GOVERNOR,

TRANSMITTED

A COMMUNICATION

FROM

THE COMMISSIONERS

ATTACHED TO

THE PUBLIC STATUTE.

—

WALTER

Printed by the Printer to the State.

1835

1835

MESSAGE.



To the General Assembly of the State of North Carolina :

The accompanying communication from Frederick Nash, James Iredell, and William H. Battle, Esquires, commissioners appointed to revise the public Statute Laws of this State, was received at this department yesterday, and is transmitted for your consideration.

The duties which these gentlemen have undertaken to perform, are alike arduous and important, and there are perhaps few subjects which have recently occupied the attention of the General Assembly, in which the intelligent portion of the community feel so deep an interest. To revise the legislation of six hundred years, under the several forms of Government to which various Revolutions have given birth,—to translate it, in some instances, from a foreign language into our own,—and to conform to the existing state of things enactments adapted to the varying wants of society throughout the perpetual changes rendered necessary by the succession of peace and war, the extension of commerce, the improvements of agriculture, and the introduction of the mechanic arts, is a task to which the greatest learning, the purest patriotism and the clearest intellect, is not more than equal.

The amendments (which may now be regarded as certainly adopted) to the Constitution of the State, impart to this subject additional interest. A radical change in the structure of our fundamental laws, would seem, in the nature of things, to require corresponding alterations in the code of municipal regulations; of which, in theory at least, the former is regarded as the foundation.

It is an important inquiry, which should be promptly determined, whether a revision of any portion of the Report should be attempted at the present session. I incline myself to the opinion, that it is not advisable to do so. No bill proposing an amendment to, or repeal of, a public law, is, according to modern usage, passed until it is printed, and the fairest and fullest opportunity afforded for consideration. If this course is the only wise one, when a single definite proposition is presented to the mind, shall it be departed from when the complicated principles of an entire system are brought under review ?

If you decide that the bills reported by the commissioners shall be printed before they are taken up for consideration, it is obvious that their re-enactment must be deferred until the next session, and the necessary measures adopted to have the printing executed in the interval. Such a determination would give a most imposing character to the proceedings of the first General Assembly, under the amended Constitution, and tend, perhaps, more than any other measure which can be adopted, to direct the attention of the great body of the community to the nature of our fundamental institutions, and the character of the civil and criminal code to be engrafted upon them.

I suggested to the last General Assembly, the propriety of providing a compensation, not exceeding three hundred dollars, for the Clerks engaged to transcribe the bills reported by the commissioners. I now venture to renew the recommendation : I am very certain that no professional man conversant with the nature of the duties required of these gentlemen, would be disposed to subtract this sum from the inadequate salary allowed them.

DAVID L. SWAIN.

Executive Department,
Raleigh, 24th Nov., 1835. }

COMMUNICATION.

To his Excellency, Governor Swain :

SIR : During the last session of the Legislature, the Commissioners for revising and digesting the Public Statute Laws of the State, submitted to your Excellency a Report, showing the progress then made in the work which had been confided to them, and the plan they had prescribed for themselves in its execution. This report was accompanied by a revised Statute, an Act concerning entries and grants of land, which was intended as a specimen of the whole work. The undersigned now respectfully submit to your Excellency, for the information of the Legislature, this additional Report. No good reason has occurred to them, for departing from their original plan ; nor have they understood that the specimen submitted by them, has, in any manner as a specimen, been objected to. Believing, therefore, that the principles upon which the Digest was to be made, as heretofore designated, met with the approbation of the enlightened body, whose will it was their duty to obey, they have been governed by them in their subsequent labors. The work entrusted to them, being one of much responsibility, and requiring patient and laborious investigation, they have devoted to its execution all the time they could spare from other indispensable avocations. The sense of their responsibility, has been lightened by the knowledge, that their labors will be no farther efficacious, than as they may be sanctioned by the wisdom of those to whose final action they will be submitted. They cannot hope, that in so extended a field, embracing such a variety of subjects, to be extracted from such a mass of often contradictory materials, they have avoided all error of misconstruction or omission ; but they indulge the hope, that none that are essential will be found.

The Commissioners submit the following list of Statutes, which are revised and ready for the supervision of the Legislature. The Statutes themselves accompany this communication, that they may be transmitted to that body :

- 1 An Act concerning Entries and Grants of Land,
- 2 " To prevent the abatement of suits in certain cases,
- 3 " Concerning Executors and Administrators,
- 4 " Concerning Quarantine, and to prevent the introduction and communication of contagious diseases,
- 5 " Concerning Attornies at Law,
- 6 " Directing the mode of choosing Senators and Representatives in the Congress of the United States,
- 7 " Concerning Bail in civil cases,
- 8 " Appointing Commissioners to take Affidavits,
- 9 " Concerning Divorce and Alimony,
- 10 " Directing the manner in which the Laws of Congress, and other public printed documents, transmitted to this State by the General Government, shall be distributed,
- 11 " Providing for the support of the Poor,
- 12 " Concerning Wrecks and wrecked property,
- 13 " Concerning Bastardy, and providing the mode of legitimating Bastard children in certain cases,
- 14 " Ascertaining the method of proving Book Debts,
- 15 " Concerning Constables,
- 16 " Concerning the Attorney General, and Solicitors for the State,
- 17 " Concerning the Militia of the State,
- 18 " To provide a Revenue for the State,

Acts upon the following heads have also been completed, and are in the hands of Clerks for transcription; and will be ready in a few days to be laid before the Legislature:

Concerning the Executive.

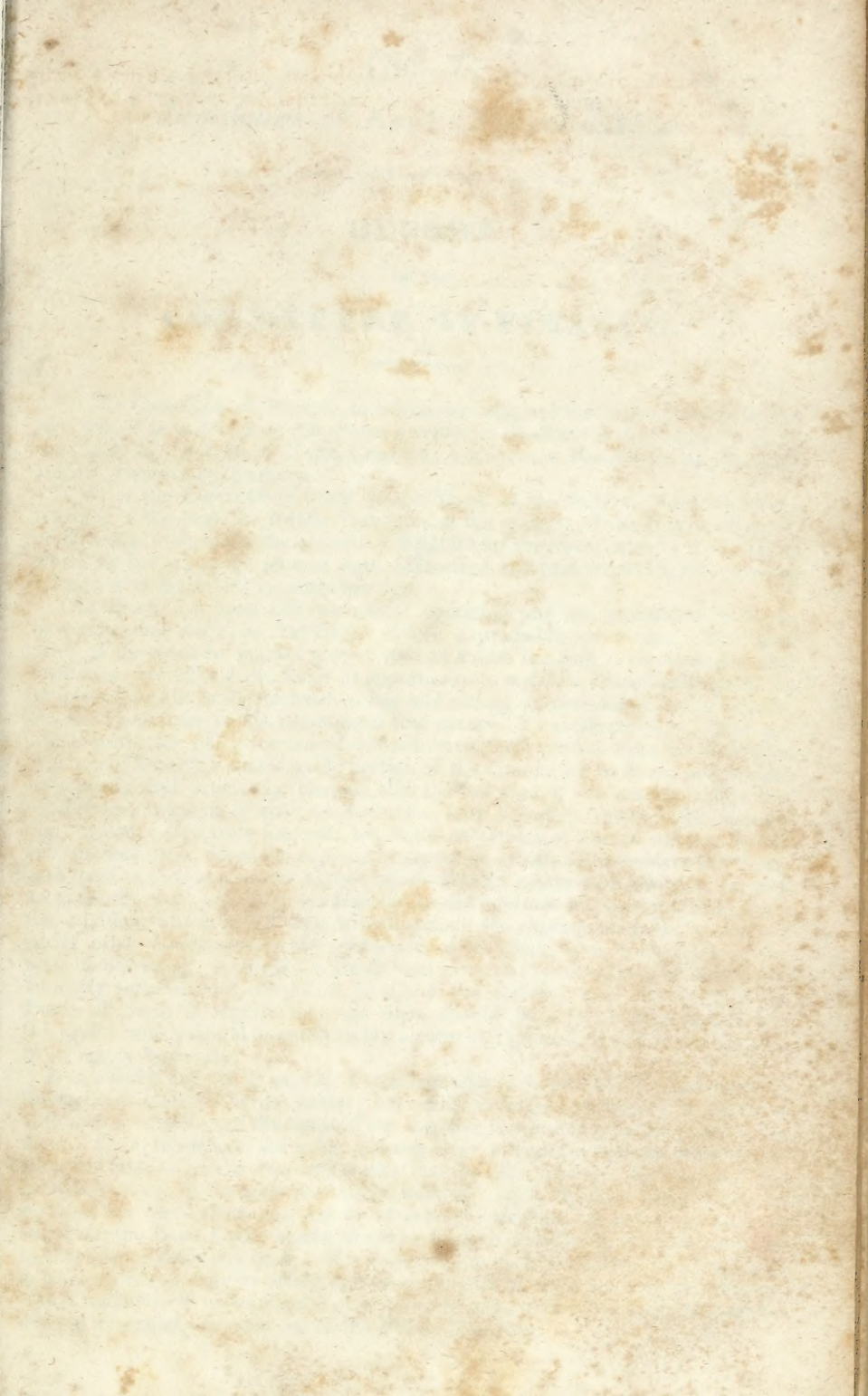
" Public Treasurer,
 " Secretary of State,
 " Comptroller,
 " Public Printer,
 " Sheriffs,
 " Coroners,
 " Clerks of the County and Superior Courts,
 " Clerks and Masters in Equity,
 " County Trustee,
 " County Revenue,
 " Rangers and Strays,
 " Justices of the Peace,
 " Attachments,
 " Deeds and other conveyances of Lands and Slaves,
 " Pilots and Pilotage,
 " Corporations,
 " Removal of Debtors,
 " Auctions and Auctioneers,
 " Bills and Negotiable Securities,
 " Mills and Millers,
 " Internal Improvement,
 " Insolvent Debtors,
 " Ideots and Lunatics
 " Guardian and Ward,
 " Apprentices,
 " Court Houses, Prisons and Stocks,
 " Patrols.

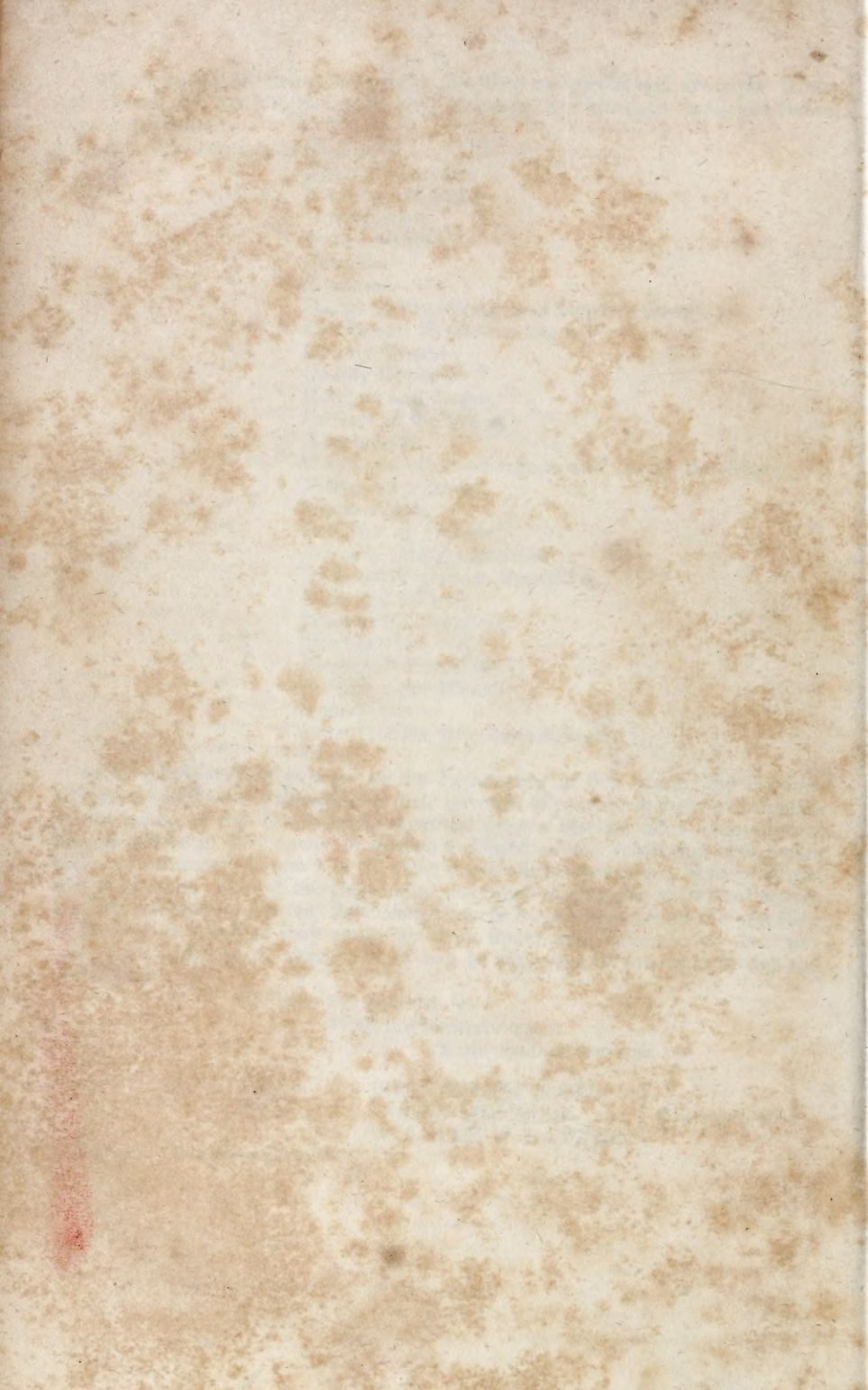
What course will be pursued by the Legislature in this matter, the Commissioners cannot know. Should it be their pleasure to proceed in their investigation of the labors of the Commissioners, at the present session, the Commissioners hope it will be in their power to furnish a Digest of the remaining acts before their adjournment, as many of the most important heads are in a state of advanced preparation. Should the Legislature determine to postpone their final action, until the succeeding session, the Commissioners respectfully submit the propriety of leaving so much as may not be acted on under their controul, that they may make such additions, or alterations, as may be suggested by further reflection and investigation.

We have the honor to be,
 With the highest respect,
 Your obedient servants,

FREDERICK NASH,
 JAMES IREDELL,
 WILLIAM H. BATTLE, } *Commissioners.*

Raleigh, November 23, 1835.





Legislature of North Carolina.....1835.

REPORT
OF THE
COMMITTEE OF FINANCE.

The Committee of Finance, to whom was referred the Bill to provide for the payment of instalments on the shares reserved to the State in the Capital Stock of the Bank of the State of North Carolina; and also, a Resolution on the same subject, respectfully REPORT:

That of the \$600,000 of Stock in the Bank of the State of North Carolina, reserved to the State, the Public Treasurer, at the opening of the Books, subscribed for stock, and paid to the amount of \$30,000 for the State; and for the Literary Fund, he has, up to the present time, subscribed and paid for \$170,000—leaving a balance of \$400,000 yet unsubscribed.

The Bank has gone into successful operation, and no reasonable doubt can now exist, that stock in that Bank will be a profitable investment. The high price of the stock in market proves, beyond doubt, the public confidence in that institution, and affords the State an opportunity to realize a considerable profit, by simply taking the stock reserved for her, and selling it immediately to individuals; but the Committee do not recommend that course. Considerations of public policy, require that the government should have some control over an institution which will furnish a considerable portion of the circulating medium, and become extensively and intimately blended with the business of the country. The successful management of such an institution, may be safely trusted to the sagacity and vigilance of private interest; but in the mutations of human affairs, circumstances may arise, when the supposed interest of private stock-holders would dispose them to pursue a course highly injurious to the community at large. In such an event, the State, as a large stockholder, would interpose her influence, and check the cupidity which would seek private gain at the expense of public good; and under other circumstances, the protection of the State, as a large stockholder, may be necessary to shield the Bank from powerful combinations of its debtors. In every point of view, the public good and the stability and usefulness of the Bank, all seem to require that the State should be a large stock-holder, and the profits which would unquestionably accrue on the stock, would be sensibly felt in an empty Treasury.

If the Bank had all its capital, it would be able to furnish to the community all the facilities intended by its charter; but whilst so large a portion of its capital is withheld, it cannot meet the demand for banking facilities in different parts of the State. Upon the whole, the public interest clearly requires, that the State should take the balance of the reserved stock; and the Bill provides for obtaining the necessary funds, in the most convenient manner. By it, the State will procure the stock on her credit alone, at a rate of interest not exceeding five per cent. per annum; and when the Bank finally closes, the bank-stock to be taken by the State, will furnish ample means to pay for it. The profits on the stock, while the Bank continues to be in operation, may be safely estimated at seven or eight per cent. per annum; which would yield to the State a clear profit of two or three per cent. per annum, without advancing one cent out of the Public Treasury.

The passage of this bill will not preclude the present General Assembly from permitting the President and Directors of the Literary Fund, and the Trustees of the University, to take any portion of the reserved stock which it may deem proper; as a Resolution, directing the Public Treasurer in that matter, will be sufficient to effect it.

The Committee, therefore, report the Bill, and unanimously recommend its passage. They also recommend, that the first Blank be filled with the words "\$400,000;" the second blank with the words "\$1,000 each;" and strike out the last blank, and the words "of the said," which immediately precede it.

By order of the Committee,

JAMES WYCHE, *Chairman.*

A BILL

To provide for the payment of the instalment, on the shares reserved to the State in the Capital stock of the Bank of the State of North Carolina.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That it shall be the duty of the Public Treasurer of this State, and he is hereby required to make and execute, in proper form, and in his official capacity, certificates binding the State for the payment of the money, purporting to be due thereon, to the amount of dollars, and no more.

II. Be it further enacted, That the said certificates shall be issued for the sum of dollars, each—and shall bear interest at the rate of five per centum per annum, payable semi-annually, on the first days of February and August, in each and every year, at the Bank of the State of N. Carolina, in Raleigh; or at such other Bank, or Banks, as the agent of the State, hereinafter mentioned, may designate, for making payment of the same.

III. Be it further enacted, That all certificates of debt due by the State, issued under and by the authority of this act, shall be signed by the Public Treasurer, in his official capacity, as herein before mentioned, and shall be countersigned by the Comptroller of this State, and duly registered by him, at large, in a book prepared and kept for that purpose.

IV. Be it further enacted, That the said certificates shall be transferable by the holders of the same, or by his, her, or their Attorney, in a book to be kept by the Public Treasurer for that purpose; and on every such transfer, the out-standing certificate shall be surrendered to, and cancelled by, the Public Treasurer, and a new certificate shall be issued, for the same amount, to the person entitled to the same.

V. And be it further enacted, That the debt hereby created, shall not be redeemable until after the first day of January, eighteen hundred and sixty; and after that day, the same shall and may be redeemed at such time or times, and in such portion or portions, as may hereafter be declared and appointed by law.

VI. And be it further enacted, That for the payment of the interest semi-annually, at the rate of five per cent. per annum on the principal debt hereby authorised to be created, on the credit of, and for the benefit of the State, until the same shall be fully paid to the holders of the certificates thereof, and for the full and entire payment and redemption of such principal debt, and every part thereof, all the shares which the State now holds, or may hereafter hold in the capital stock of said Bank; and the dividends, which may accrue thereon, be, and they are hereby pledged; and the General Assembly doth hereby guarantee the payment of the full amount of the debt authorised by this act to be contracted, and of the punctual payment semi-annually of the interest thereon, at the rate aforesaid, until the whole of the said debt shall be fully paid, satisfied and redeemed.

VII. And be it further enacted, That the Governor shall appoint a fit and competent agent in behalf of the State, to negotiate the sale of the debt hereby authorised to be contracted, who shall have power and authority to sell the same, or any part thereof, at not less than its par value; and shall pay over to the Public Treasurer the full proceeds of such sale or sales.

VIII. And be it further enacted, That it shall be the duty of the Public Treasurer, and he is hereby required to pay out of the money which he may receive from the agent aforesaid, the full instalments on such, and so many of

4 the said shares of the capital stock of the Bank aforesaid, as
5 remain unpaid for, by and in behalf of the State, in like manner, and on the
6 same terms as are prescribed for payments to be made by individual or other
7 subscribers, for shares of stock in said Bank.

IX. *And be it further enacted*, That the Governor be, and he is hereby
2 authorised to make to the agent aforesaid, such allowance for his services and
3 expenses, as he may deem reasonable and adequate, and to defray all other
4 expenses incident to the execution of this act; all which shall be paid by the
5 Public Treasurer, on the warrant of the Governor.

X. *And be it further enacted*, That this act shall be in full force and ef-
2 fect, from and after the ratification thereof.

[No. 8.]

Legislature of North Carolina—1835.

REPORT

OF

THE COMMISSIONERS

APPOINTED TO

Superintend the Rebuilding

OF

THE STATE CAPITOL.

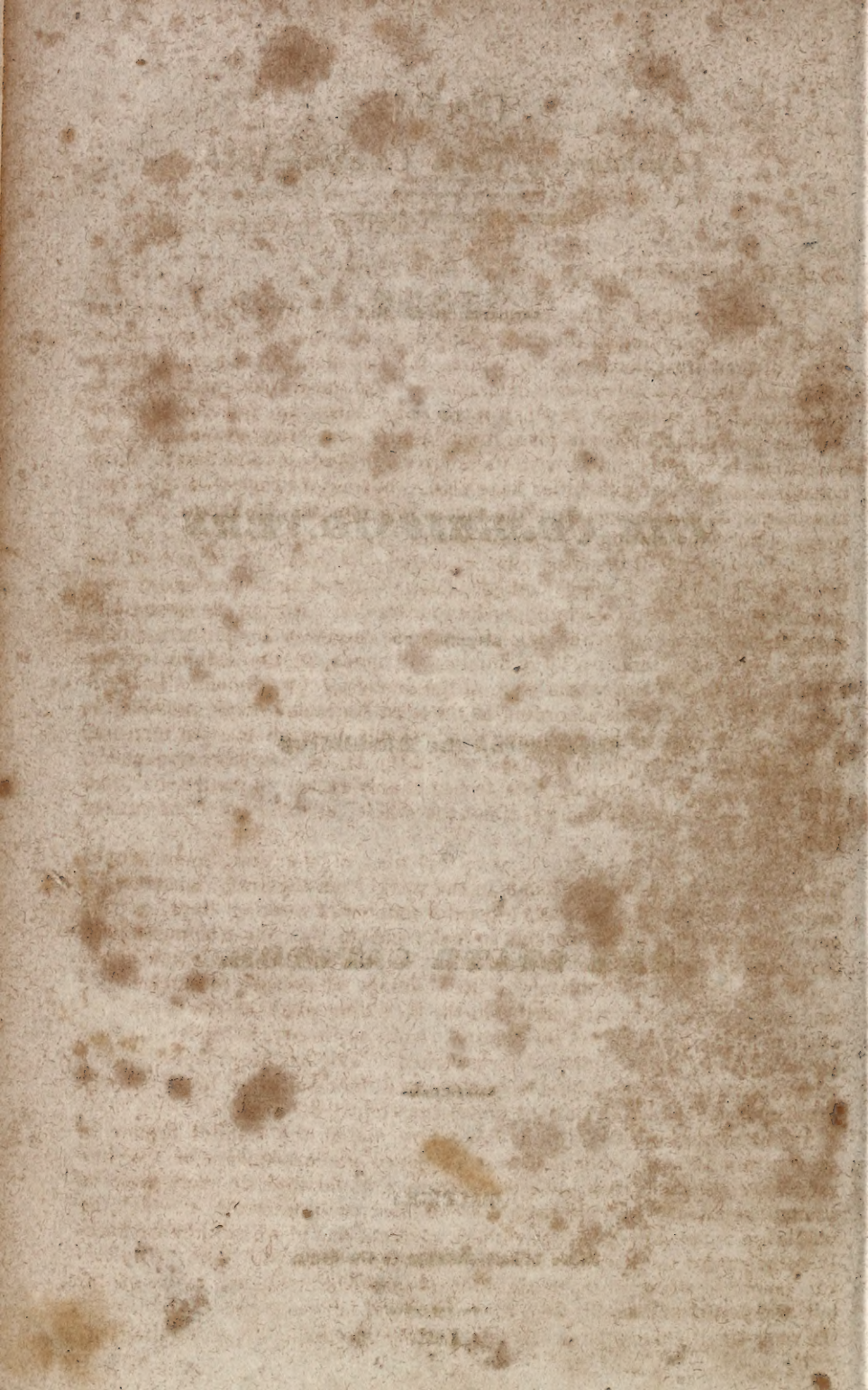


RALEIGH:

Philo White, Printer to the State.



1835.



REPORT.

RALEIGH, NOVEMBER 26, 1835.

To the Honorable General Assembly of North Carolina :

GENTLEMEN: The commissioners charged with the superintendence of the rebuilding of the State Capitol, have endeavored to give to the object of their trust that attention which the Legislature had a right to expect, and which its importance demanded. The magnitude of the work, the nature of the materials of which it is to be constructed, and the order of Architecture designed for its plan, must, under any circumstances, in its execution, be tedious and slow in its progress. And in addition to these considerations, other difficulties have arisen, beyond the control of the Commissioners, as will be seen from the succeeding remarks, to retard the progress of the work during the present year.

The inclemency of the last winter rendered the rock, by reason of the frost, unsusceptible of being worked, which produced almost an entire suspension of labour upon the building for four weeks. And in the spring and early part of the summer, the demand for rock cutters in the northern cities, was so great as to induce a large number of hands, in the employ of the State, to leave, most of whom were of the first class of workmen. To regulate the pay of the hands according to the northern rates became indispensable, in order to retain the remaining hands of this description. An increase, therefore, of their pay, from the 1st June till the 1st of November was made; the Commissioners believing this to be not only an act of justice, but also necessary to prevent a majority, if not the whole, of the best stone cutters from quitting the job.

It was confidently expected that by this time of the year, there would have been an accession of hands to the work from the north, inasmuch as our winters are milder, affording a greater number of working days, and of course more profit to the workers in rock; but in this, the Commissioners have been disappointed, not having had, as yet, the offer of a single new hand.

On arriving at the entablature of the building, where rock of much larger size was required than was needed in the preceding parts of the work, an extension and deepening of the Quarry became necessary, to render it capable of yielding the description of rock wanted. This has been done, but not without incurring a considerable expense, and the result has been, entirely satisfactory in accomplishing the object contemplated.

In the progress of the work at the Quarry, and on the Capitol Square a greater number of laboring hands are employed in consequence of the immense weight of the rock to be handled. than would, from a cursory view, be thought necessary; and although there are frequently intervals in which the whole are not engaged, yet daily there are occasions in which they are barely sufficient for the purposes for which they are employed. The tardy advancement, however, of the work, is in no case to be attributed to this cause, but will be found to result from the tedious and laborious process of cutting the rock—particularly the ornamental parts of the entablature, a branch of the

work where the lack of skill, or fidelity, cannot in justice be charged; for a more faithful and steady set of hands, of this description, are scarcely to be found on any job of the kind.

The general plan of the building is now considered as being settled, and drawings made out accordingly. In the few deviations from the original design, the Commissioners have been guided by the advice of the highest architectural skill, as to their propriety; and as being improvements in the beauty of the edifice, and a saving in the cost. These plans will be submitted by the Superintendent, with every necessary explanation, to any Committee which may be appointed by your honorable body, to report on this subject, to enable them to understand, satisfactorily, what has been done during the present year. And he will exhibit also, the accounts of the work, which will be found to be arranged with method, and conducted with the utmost accuracy,—presenting no difficulties whatever, in tracing the object of every expenditure.

It will probably be expected of the Board, to furnish an estimate of the cost of the building, and of the time it will take to complete it. In arriving at any thing like correct conclusions upon these inquiries, will be readily admitted to be difficult and uncertain;—the Board will, therefore, hazard only the best calculation they have been able to make; and should it fall short, in the result, they are confident that the difference will not be so great as to induce the Legislature to believe they had been intentionally misled by the Commissioners on the subject.

There have already been appropriated, two hundred thousand dollars; of this sum, there remained unexpended, twenty-two thousand nine hundred and seventy dollars, on the first of the present month. To meet the disbursements of the ensuing year, the same amount as was appropriated in the last year, say seventy-five thousand dollars, will be required; and the further sum, thereafter, of twenty-five thousand dollars, will, it is believed, complete the building; making its whole cost, three hundred thousand dollars.*

In regard to the time in which it will be finished, the Commissioners are of opinion that it cannot be effected much earlier than this time two years.

Should the cost of the building exceed the expectations of the Legislature, the cause will be found in the previous underrating of the magnitude, style, and general character of the work. They have only progressed with the execution of the plan, in the manner it had commenced, and continued under the sanction of previous Legislatures.

In conclusion, the Commissioners have to remark, that in the organization of the work, with a view to its progress and economy, they cannot perceive in what manner it may be materially improved. The Architectural knowledge and practical skill of Mr. Paton, the superintendent, in directing its execution, together with his entire devotion to the duties of his situation, entitle him to the confidence of the Legislature. And, in fact, the Bosses, or head Mechanics, over the various branches of the work, are capable, steady, and faithful.

I have the honor to be, respectfully,

Your obedient servant,

BEV. DANIEL, *Chairman.*

*This estimate, in the opinion of the undersigned, one of the Board of Commissioners, is too low.

[No. 9.]

Legislature of North Carolina—1835.

REPORT

OF

THE ADJUTANT GENERAL

OF

NORTH CAROLINA,

1835.



RALEIGH:

Philo White, Printer to the State.

.....

1835.

1. *Epilobium angustifolium* L.

Epilobium angustifolium L.

Epilobium angustifolium L.

Epilobium angustifolium L.

1881

REPORT.

Raleigh, 30th November, 1835.

To the Honorable the General Assembly of North Carolina.

GENTLEMEN : Under cover hereof I have the honor to submit sundry Abstracts, &c. marked from A. to D. embracing all the information required by law to be communicated annually from this office to the Legislature in relation to the militia, to wit.

Abstract exhibiting a general view of the organization and strength of the Militia

Marked	A.
Ditto of Public arms	B.
List of delinquent officers	C.
Roster of General officers	D.

The arms which were deposited at Fort Johnson have been removed in obedience to a Resolution of the last General Assembly, and placed in the Arsenal at this place, except four pieces of Ordnance; they have been left at Fayetteville, where the necessary accommodation for them in the Arsenal there could be had, which had not been provided for in the Arsenal in this place,

I could again respectfully invite the attention of the Legislature to the present condition of the arsenal at the former place, which for several years past for want of repairs has been in a condition to render the arms liable to much injury from the exposure in consequence thereof, and ere this, it is believed, they must have suffered materially. And as an accession of arms, under the standing appropriation of Congress, of the State's quota for the last four years may be calculated on in the course of the ensuing year, the necessity of that Arsenal being placed in a condition for their reception, or at least a part, as the arsenal at this place will not be sufficient to accommodate the whole, becomes more urgent. In fact the two arsenals, with the number of arms already in them, will not be capable of containing those that are expected. I would beg leave therefore to suggest, whether it would not be advisable to distribute among the militia at the expense of the State, the whole of the arms now at Fayetteville, and the loose arms in the arsenal here. Those in boxes in the Arsenal at this place, are new, and in good condition, which together with the annual accumulation, under the appropriation of Congress, will enable the State to hold, hereafter, in readiness at all times a competent number of efficient arms for any emergency.

In recommending this measure, it is under a belief that the cost of repairs, cleaning and keeping in order injured arms, will be found to be attended with an annual expense not warranted by the object to be gained. But to distribute them in the way proposed would, upon the whole, be converting this description of arms to a use that, in the result, would be more beneficial to the State than returning them in their present situation.

I have the honor to be,

Very respectfully, Gentlemen,

Your obedient servant,

BEV. DANIEL

A.

ARSTRACT, exhibiting the strength of each Regiment, Brigade and Division, of the Militia of North-Carolina; the description and number of arms, and manner of distribution of those belonging to the State, in the several counties, as authorized by Act of Assembly.

No. of Division.	No. of Brigade.	Counties.	No. of Regiments.	No. of Infantry.	No. of Rifemen.	ARMS.			PUBLIC ARMS.		
						Muskets.	Shot Guns.	Rifles.	Muskets.	Rifles.	Non commis'd officers' sw'ds.
1	1	Currituck	1	833		170	389				
		Camden	2	638		29	308				
		Pasquotank	3	265		36			36		
		Perquimons	4	566		29	453				
			4	2302		264	1150		36		
	18	Bertie	9	536		3	373				
		Chowan	5	430			320				
		Gates	6	567			404				
		Hertford	10	550			387		45		
			4	2083		3	1484		45		
1	2		8	4385		267	2634		81		
2	4	Bladen	41	599		45	336	45			
		Moore	44	782		30	87	276	65		
		Cumberland	33	500		57	218	48			
		"	34	393		51	101	84	40		
		Columbus	85	385		41	300	28			
		Sampson	32	926		16	598	41			
			6	3585		240	1441	522	105		
	14	Anson	53	470			258	92			
		"	54	649			219	304			
		Robeson	42	595		94	216	27	65		
		"	43	262	29	155		100			
		Richmond	51	766	110	18	214	61			
		"	93	280		8	87	88			
			6	3022	139	275	994	665	65		
2	2		12	6607	139	515	2335	1187	170		

6	Chatham	45	531		24	136	63		64
	"	94	692		93	176	184	65	
	Orange	47	685		29	408	56		
	"	48	780		7	348	125		
	"	49	839		18	184	210		
	Randolph	55	491		18	42	312		
	"	56	335	133	7	35	316		
16		7	4353	133	196	1329	1266	65	64
	Caswell	59	1083		75	666	90	63	
	Granville	37	533		22	379		62	
	"	38	447			578			
	Person	50	772		7	366	47	65	
3	2	4	2835		104	1989	137	90	
7		11	7188	133	300	3318	1403	154	64
	Rowan	63	693		14	216	254		
	"	64	1277		80	398	397		
	Davidson	87	667		11	113	305		
	"	88	799			149	434	65	
		4	3436		105	876	1390	65	
10	Lincoln	70	784		65	410	113	65	
	"	71	1578		86	138	719	65	
	Rutherford	76	613		18	31	304		
	"	77	709			134	324		
	"	78	590			106	241		
		5	4264		168	819	1701	130	
11	Mecklenburg	68	684		8	241	185		
	"	69	683		66	214	281		
	Cabarrus	62	730		8	227	244		
	Montgomery	60	501			186	270		
	"	61	529			196	319		
	Volunteer		309		120	84	73	120	
4	3	5	3436		202	1148	1372	120	
19		14	11136		475	2843	4463	315	
	Buncombe	82	483		9	23	353		
	"	83	580		28		370		
	Yancy	84	595		5	17	415		
	Haywood	86	683		26	21	159	7	
	Macon	90	847		14	62	410		
		5	3188		82	123	1707	7	

		Burke	79	579	69	203		310		
		"	80	433	49	13	14	249		
		"	81							
		Yancy	92	330		5	5	201	3	201
		Iredell	52	728		32	231	328	65	
		"	89	765	111		187	298		
15			6	2855	229	251	437	1386	68	201
2	2		11	6043	229	333	560	3093	75	201
		New Hanover	30	779		73	601	15	46	
		Brunswick	39	488		60	325	75		
		Onslow	24	645		23	442	3		
		Duplin	31	783		4	611			
3			4	2695		160	1979	93	46	
		Jones	25	308		5	171		85	
		Lenoir	26	435		31	261	1	84	
		Wayne	40	743		13	497	29		
		Johnston	28	884		67	422	88	7	
12			4	2370		118	1351	118	176	
6	2		8	5065		278	3330	211	222	
		Edgecombe	20	573			403		51	
		"	21	599		28	308	6	120	
		Martin	13	659			484		64	
		Halifax	14	449			252		65	
		"	15	530		60				
		Northampton	16	828		69	520			
5			6	3638		157	1967	6	301	
		Nash	22	656		10	454	36		
		Warren	23	581		7	331	8		
		Wake	35	743		1	321	49	50	
		"	36	846		14	346	169		
		Franklin	29	610		5	407	9		
17			5	3436		37	1859	271	50	
7	2		11	7174		54	3826	277	351	
		Carteret	17	437			400	23		
		Craven	18	375		154	194		200	
		Pitt	19	983			650		100	
		Greene	27	364			188		85	
2			4	2159		154	1432	23	385	

	Washington	8	406		46	246		47	1
	Beaufort	12	1230		191	705		100	
	Hyde	11	639		90	450			
	Tyrrell	7	532		100	325			
13		4	2807		427	1726		147	1
8 2		8	4966		581	3158	23	532	1
	Guilford	57	684		11	295	206		
	"	58	739		20	200	279		
	Rockingham	67	869			374	75		
	"	91	637			233			
	Stokes	65	587			243	260		
	"	66	747			264			
	Volunteers		498	258	180	182	206	290	
8		6	4761	258	211	1791	1026	29	
	Ashe	46	924	92	7	59	767		
	Surry	72	735		150	151	220	65	
	"	73	754			113	292		
	Wilkes	74	761		40				
	"	75	540		5	62	377		
9		5	3714	92	202	385	1656	65	
9 2		11	8475	340	413	1186	2662	164	
		96	61019	841	1216	19364	16868	1890	617

B.

CAVALRY.

	No. of Companies.	No. of Brigade to which attached.	No of Commissioned Officers.	Total Commissioned Non-Commissioned Officers, Musicians and Privates.	Arms and Accoutrements.			Arms belonging to the State.	
					Swords.	Horseman's Pistols.	Bagles and Trumpets.	Horseman's Pistols.	Sabres.
	7	4	37	236	37	241	8	77	
	2	5	6	88	88	20		50	25
	3	8	15	121	121	148	5	144	37
	7	11	37	236	286	133	8	140	90
	2	12	10	73	69	90			
	1	16	6	86	22	7			
	2	17	8	80	80	80		50	25
Total,	24		119	920	703	719	21	461	177

ARTILLERY.

				Ordinance and Accoutrements.										State	Arms
No of Regiments.	No. of Companies.	Total Commissioned Officers.	Total Commissioned, non-commissioned officers, musicians and privates.	4 Pound Cannon.	6 Pound Cannon.	Sponges and Rammers.	Ladles and Worms.	Bucoles.	Trail Handspikes.	Lead Aprons.	Ammunition Boxes.	Sets of Harness.	Muskets.	Horseman's Pistols.	
1	3	18	131		2	4	4	4	2	2	4	3	54		

RÉCAPITULATION.

Infantry,	-	-	-	-	-	61,019
Rifleman,	-	-	-	-	-	841
Cavalry,	-	-	-	-	-	920
Artillery,	-	-	-	-	-	131
						62,911

Arms Belonging to the State.

Places of Location.	Muskets.	Rifles.	Horseman's Pistols.	Sabres.	Non Commissioned Officer's Swords.	Musket Accoutrements.	Rifle Accoutrements.	Six pound cannon and Carriages.
Arsenal at Raleigh,	3414	1580			500	3310	1504	
Ditto at Fayetteville,	1608	205			191		205	4
In the hands of the Militia	3725		517	335	83			
	8747	1785	517	335	774	3310	1709	4

(C.)

DELINQUENT OFFICERS.

In Returns to the Adjutant General :

Brigadier of the 1st Brigade,
 Colonels of the 67th Regiment,
 " " " 18th "
 " " " 15th "
 " " " 21st "
 " " " 84th "
 " " " 93d "

In Returns to the Major Generals :

Brigadier General of the 1st Brigade,
 " " " " 15th "

In Returns to the Brigadier Generals :

Colonels of the 79th, 80th, 81st, 92d, 52d, 89th,
 90th, 86th, 82d, 83d, 14th,
 17th, 27th, 24th, 31st, 15th,
 67th, 36th.

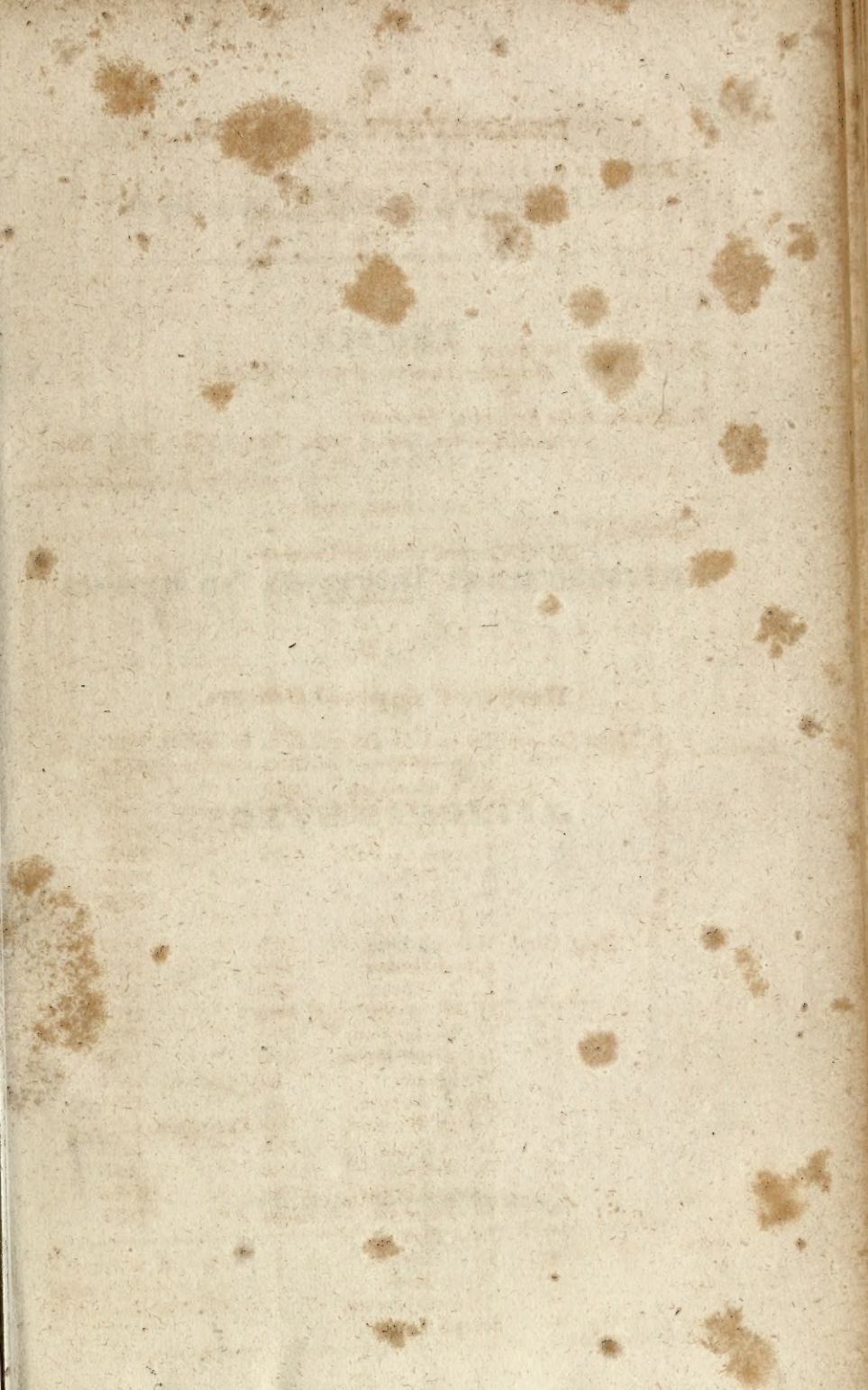
In Reviews :

Major General of the 2d Division.

(D.)

Roster of General Officers.

1.	Major General	Duncan McDonald,	27th December,	1820.
2.	"	James M'Kay,	21st "	1822.
3.	"	M. T. Hawkins,	15th "	1828.
5.	"	Nathan Whitfield,	7th January,	1831.
6.	"	J. J. Pasteur,	Decem.,	1832.
4.	"	Thomas G. Polk,	27th "	1829.
7.	"	R. C. Cotten,	"	1833.
8.	"	Philip Iron,	"	1834.
9.	"	David Newland,	"	
	Brig. Gen.	William Gregory,	30th "	1823
	"	Alfred Dockery,	10th "	1827
	"	L. D. Wilson,	27th "	1827
	"	H. W. Ayer,	29th "	1827
	"	N. Washington,	30th "	1830
	"	Joseph Arrington,	30th "	1830
	"	Wm. Allen,	1st January,	1831
	"	Alney Burgen,	2d "	1831
	"	Joseph Winston,	15th December,	1831
	"	James Cook,	15th "	1833
	"	W. Horton,	16th "	1833
	"	Edward Bryan,	20th "	1833
	"	H. G. Spruill,	26th "	1833
	"	John Pipkin,		
	"	Benj. Brittain,		
	"	Wyatt Moye,		
	"	Thomas Graves,		
	"	Joseph Allison.		



[No. 10.]

Legislature of North Carolina.....1835.

REPORT

OF THE

Board of Internal Improvements

OF

NORTH CAROLINA,

1835.

RALEIGH:

Philo White, Printer to the State.

1835.

EXECUTIVE DEPARTMENT, N. C. }
Raleigh, Dec. 7, 1835. }

*To the General Assembly
of the State of North-Carolina:*

I have the honor to communicate herewith, the Report of the Board for
Internal Improvements for the present year.

DAVID L. SWAIN:

REPORT.



To the General Assembly of the State of North-Carolina.

In obedience to the requirements of the act passed in 1819, entitled "an act to create a fund for Internal Improvements and to establish a Board for the management thereof," the Board respectfully submit the following report :

The fund set apart for Internal Improvement consists at this time, of the sum of twenty one thousand two hundred and twenty two dollars and ninety six cents in the public Treasury. The dividends of profit, which may be hereafter declared on thirteen hundred and fifty eight shares in the capital stock of the Bank of Cape Fear, and the amount due on bonds given for the purchase of Cherokee lands, which may be estimated, principal and interest, at about forty five thousand dollars, after deducting the probable loss from errors, insolvencies and the cost of collections.

By a report which is hereto annexed and marked A., it appears that the commissioners appointed by an act passed in 1829, chap. 14, are prepared to refund the two thousand dollars, loaned to them to be used in improving the road from Old Fort in Burke county to Ashville in Buncombe county, if the General Assembly shall require it, or with its approbation, to employ it for a longer time in effecting further improvements. As the convenience of that section of country may be much promoted by such improvements, it seems proper to permit the commissioners to renew their bonds, and to continue their operations for the further improvement of the road.

The report from the Roanoke Navigation Company marked B., exhibits a full and satisfactory exposition of the affairs of that company ; and shows a decided increase of trade on that River. The report from the Cape Fear Navigation Company, marked, C., shews a small increase of cotton, and a falling off in the quantity of Flour, transported on that River, and slight variations in other articles, but upon the whole, there is no very material change in the trade.

The Cape Fear Navigation Company claims to be reimbursed from the State the sum of one hundred and fifty seven dollars and twenty five cents, paid for removing, cleaning and storing away the dredging machine formerly used on the Flats below Wilmington. By a resolution passed in 1831, the General Assembly requested the Governor to have it secured in such a manner as to preserve it from ruin. Whether the Governor placed it in the care of the Company or not, it seems to be equitable that the State should pay for the removal and storage of its own property. As the charge for storage will be continually increasing, and the dredging machine decreasing in value, it is respectfully recommended that the Governor be requested to have it sold, and the expense incurred for removal and storage to be paid out of the proceeds. The company also sends up a claim against the State for a balance of the State's subscription for stock. According to the Books of this Board there is no balance due, and if there be any, the company has not established their claims in a satisfactory manner.

A communication from Gen. W. K. Armistead of the U. S. Army, marked D, has been submitted to this Board, together with a plan and estimate of the cost of open-

Roanoke Inlet by means of a canal and locks, of dimensions sufficient to admit vessels drawing eighteen feet. He estimates the cost as follows:

Excavation and Masonry	\$475,000
Locks, &c.	16,000
Break Waters	60,000
Light Houses	20,000
Tow Path	25,000
Flagging Bottom	30,000
Horse Machinery, subsistence, &c.	35,000
Contingencies	39,000

\$ 700,000

If the work can be effected and made permanent for a sum any thing like this estimate, the Board could have no hesitation in recommending it. The importance of the object proposed to be accomplished by it, has for a long time attracted public attention, and various plans to effect it have been heretofore proposed, all of which have been laid aside or suspended. The one now submitted, deserves to be seriously considered, and further investigated.

Another year's experience in adjoining States, has increased the public confidence in rail roads, as affording the best means for the transportation of persons and property over our country. The successful construction and operation of rail roads elsewhere, produces a desire among our fellow citizens to have the same facilities introduced into our state, and several charters have been granted for that purpose; but hitherto, that desire has produced but little more than "hope deferred."

(A.)

REPORT

Of the Commissioners appointed to lay off the Road leading from the Old Fort in Burke, to Asheville in Buncombe.

To the Honorable the General Assembly of the State of North Carolina :

GENTLEMEN: In pursuance of an Act passed in the year 1829, appointing us as Commissioners to lay off and improve the road leading from the old Fort in Burke county, to Asheville in Buncombe county, across the Ridge at the Swanano Gap, we now, for your satisfaction, and in obedience to said act, transmit to you the following REPORT :

We have used our endeavours to improve said road, as much to the public advantage as our funds would admit of. And we believe, to the satisfaction of all who have viewed it; and have, on the 4th day of February 1832, erected a gate for the purpose of collecting tolls to enable us to refund the sum borrowed, (\$2000) and we have succeeded tolerably well in collecting the same. But from the local situation of the road, it has required considerable of the funds to keep it in repair; and we wish to accede to your liberal proposition, in a subsequent act, to give us four years longer to refund the money, which will enable us to make considerable improvements immediately, which are required, and to keep the same in good repair: we are now ready to file our bonds with the Governor, for the faithful performance of the same.

JNO. BURGIN,
G. C. ALEXANDER,
S. W. DAVIDSON.

November 20th, 1835.

N. B. John Rutherford and James Patton, the other commissioners, not present.

(B)

REPORT

Of the Directors of the Roanoke Navigation Company.

The Directors of the Roanoke Navigation Company, respectfully submit the following report to the Stockholders in general meeting assembled. For information relating to the business of the preceding year, we refer you to the report prepared in November, 1834. No work remaining to be done, on which the hands could be employed during the winter and spring, it was thought advisable for the interest of the Company to employ them on the Portsmouth Rail-road, which was done by our Superintendent, Col. A. Joyner; and to his report, we must refer you for a detailed account of the transaction.

About the 20th of May, agreeably to previous arrangements, the overseer and hands left Weldon for the purpose of making the necessary repairs to the works above, and such farther improvements as the navigation required; but owing to the high water during the early part of the summer, it was impracticable to do the work so effectually as we had anticipated. Some important work, however, was done at Eaton's Falls, at Milton and Danville. They then proceeded to the neighbourhood of the Upper Saura Town, a distance of fifty miles, making such improvements as will place this part of the Dan in a condition for profitable use.

After descending Dan river to its confluence with Stanton, that river was ascended to the town of Salem, in Botetourt county, Virginia. Profitable work, we flatter ourselves, has been done at several points on this river, and the principal obstructions removed, so as to make a safe navigation from that place, except at very low water. After doing some other work in the Roanoke, the hands were stationed for the winter at this place, about the 20th October. They are, at present, employed in the service of the Bridge Company, but will soon resume the work engaged to be done on the Rail-road.

The improvements of the Roanoke and its main branches, imperfect as they are, *now* afford a safe and convenient batteau navigation. It will be required, and is in the power of the Company, greatly to add to the facilities now enjoyed, and when we look to the increase of the tolls during the past year, and the rapid progress of the Rail-road improvements connected with, and looking to the valley of the Roanoke for support, we are warranted in the gratifying expectations, that the day is not distant, when the great benefits which were anticipated from the incorporation of this Company, will be realized.

We herewith submit the Report of the Treasurer and Toll Gatherer, which exhibit a full account of the receipts and disbursements of the past year.

SAMUEL PANNILL, P. Protem,

Weldon, Nov. 9th, 1835.

REPORT,

To the President and Directors of the Roanoke Navigation Company.

In the Report submitted to the Board at their meeting in November last, I communicated the fact, that the lockage at this place had been finished, and it will be in the recollection of the board, that during its session at that time, a batteau was passed through the locks to the river, and returned into the basin. In the latter part of the same month, a freshet occurred in the Roanoke several feet higher than any other which has happened in a period of forty years. The high banks on either side of the lockage had been sloped more than is usually considered necessary to prevent sliding, and some hope was entertained that no damages would result from this cause.

The banks being completely submerged and heavily saturated with water, as the river subsided a large body of earth was detached from the banks, which, pressing with irresistible force upon the lower lock, thrust in the sides. This lock being situated in the river, if the necessity for promptly repairing had been ever so urgent, the work could not be accomplished, with the means at the disposal of the Company, until the latter part of spring, when the river usually becomes low. Fortunately there existed no such necessity. The locks being of great capacity, adapted to the navigation of Schooners, and being six in number, the passage of lighters through them must be necessarily slow and tedious, and it is of easy demonstration, that produce can be drayed to the wharf, and thus carried off, with quite as much expedition, as through the locks, were they in the best condition. Under these circumstances, when the spring arrived, being deeply impressed with the conviction, that neither the interest of the company, nor any other interest, required the locks to be repaired, nothing was done to that end. Indeed, if the necessity of reparation had been clearly obvious, I would have hesitated to break in upon that arrangement of the Board, which pointed out distinctly in what manner the forces under the control of the company were to be employed during the spring, summer and fall, of the present year. If the river below this place was to continue to be the channel through which the products of the upper country are to seek a market; I am unable to see that its transportation would in any degree be facilitated by the use of the locks, were they put in the best possible order; because, as already stated, produce can be drayed to the wharf with as much expedition, and as cheaply too, as it can be carried through the locks. But it is now most certain that new channels of transportation to market, will soon be opened for the produce in question, and will as certainly supersede that hitherto used. The Portsmouth and Roanoke Rail Road will unquestionably be brought to this place, in the course of the next summer, over the bridge now progressing at this place. As soon as this work is effected, all the produce destined for the markets of Norfolk and Portsmouth, will be transported on this road. The Petersburg rail road company may, if they please, avail themselves of the facilities which the bridge will afford, and if they decline this accommodation, then the contemplated rail road from Greenville to Wilkins' Ferry will be constructed, and the produce intended for Petersburg, will take that channel of communication, so that under every view of the subject, there would seem to be but little necessity for repairing the lower lock.

More than one hundred hogsheds of tobacco per day have been delivered to the lighters at the wharf, and if the trade of the river should so increase before the rail roads are finished, as to make the delivery of a larger quantity desirable, nothing more is necessary than to add a few more drays to the number already employed in this business. If the lockage should turn out to be an unprofitable expenditure of money, as seems almost inevitable, the Board may well solace themselves with the reflection, that the expediency of these locks was constantly denied by them, and their construction firmly resisted for several years.

under the heaviest denunciations, and finally assented to, only in obedience to the declared will of the Legislature of North Carolina. There is however some consolation in the certainty, that the expenditure is not entirely useless. The locks afford excellent seats for milling, and other purposes, and in this way may be used to considerable advantage. I have thus thought it my duty to bring this subject to the consideration of the Board, and it remains for them to make such disposition of this matter as in their wisdom may seem best.

It will be recollected by the Board, that the plan of operations adopted by their resolution of the 22d November last, for the employment of the hands of the company, embraced two principal objects: First, during the winter and spring to employ them in constructing a part of the Portsmouth and Roanoke rail road in this neighborhood, or to hire them out to some contractor: And secondly, in the month of May, to send them to the mouth of Mayo river, where it empties into the Dan, at which point the sluicing operations for the season were to commence. In the prosecution of these arrangements, the Company's force did not arrive here until a few days before christmas. A contract was immediately made to construct the embankment of the rail road from the basis of the canal to the river, at ten cents per square yard, which I learn is the highest price paid for similar work on the whole line. The necessary preparation having been made, the work was commenced as early in January as possible, and industriously prosecuted until about the 20th May, being subjected only to those occasional interruptions made indispensable by necessary repairs on the middle lock and canal. Nearly two thirds of the embankment is already finished, and the remainder can probably be completed in about three months. The hands of the company are now employed in the service of the Weldon bridge company, at \$13 per month each, the Roanoke Navigation Company to furnish them with provisions and tools, and will be thus employed, unless otherwise directed by the Board, for a few weeks, when the work on the embankment will be resumed.

I have no particular information touching the improvements made to the navigation of Dan and Staunton rivers, during the past summer and present fall. This information will be afforded by those to whose superintendence the work was committed.

Respectfully submitted,
A. JOYNER.

Weldon, 9th. Nov. 1835.

REPORT,

To the President and Directors of the Roanoke Navigation Company,
By A. Joyner, Treasurer.

The undersigned respectfully reports, that the balance remaining in the hands of the Treasurer, on the 1st November, 1834, as per settlement on that day, amounted to	\$4,701 23½
Since which period, the following sums have been received, viz.	
Dividend of 3 per cent. declared 15th January 1835, on 30 shares of stock in Farmer's Bank of Virginia	90 00
Sales of 15 shares of stock in Farmer's Bank of Virginia, sold by Joseph Marx and Son at 107 50	\$1,612 50
Deduct their commission	7 50
	<hr/> 1,605 00
Dividend of 3 per cent. declared 15th July 1835, on 15 shares of stock in Farmer's Bank of Virginia	45 00
Cash received of Baily and Cram for hire of negroes	81 68
Cash received of A. Joyner for hire Joe 2½ days	1 25
Wm. V. Taylor and Nath. T. Green's Bonds	2,215 76
Interests received of Wm. V. Taylor and Nath. T. Green on their bonds	\$176 98
Deduct Geo. D. Baskerville's expenses for collecting	25 00
	<hr/> 151 98
Cash received of Dr. Brodnax for 300 feet old plank	3 00
Benj. S Long's bond	110 00
Interest on Benj. S. Long's bond	33 88
Tolls collected on Roanoke Canal from the 1st November 1834, to 1st November, 1835,	\$7,423 40
Deduct T. T. Wiatt's, commission for collecting	371 32
	<hr/> 7,052 08
Received for 1 raw hide sold James Shaw	2 00
Cash received of Smith and Joyner for water rent	75 00
Do do Jabez Smith, do do do	400 000
Received of stockholders	703 94
Part of David Shelton's bond	43 37
	<hr/> \$17,315 17½

And that during the period aforesaid, the following disbursements and payments have been made. Outstanding debts at last settlement on 1st November, 1834, and expenses incurred since \$4,744 91½

Paid Stock-holders on account of dividends	2,968 50
	<hr/> 7,713 41½
Balance in hands of Treasurer	<hr/> \$9,601 76

The undersigned begs leave to call the attention of the Board to the state of the dividend fund, as it will enable the Board, if it should become their duty to act on the subject, to determine the amount of dividend to be declared.

The balance remaining due to the dividend fund, after declaring the 3rd dividend, amounted to	478 26
Amount of nett tolls collected since last dividend declared	7,052 08
Amount received for water rents	475 00

\$8,002 34

The whole amount of Stock owned in the Company is \$412,000—of this sum \$13,000, belong to the Company for shares purchased at sales of stock standing in the names of delinquent, insolvent Stockholders, which being deducted leaves \$399,000, upon which the present dividend is, to be declared. A dividend of 2 per cent. on this latter sum will amount to \$7,980, and will leave a small surplus to the credit of the dividend fund of \$25 34.

November 9th, 1835.

Respectfully submitted,
A. JOYNER.

State of the Roanoke Navigation Company, 9th November, 1835.

Capital Stock subscribed by individuals,	\$282,000 00	
Ditto do by State of Virginia	80,000 00	
Ditto do by State of N. Carolina	50,000 00	
	<hr/>	412,000 00
Aggregate of requisitions made on stockholders		412,000 00
Amount paid by stockholders	398,826 72	
Amount due from stockholders	13,173 28	
	<hr/>	412,000 00
Expended on the work from its commencement, and in the purchase of negroes and other property		416,181 17

Resources of the Company.

Balance due from stockholders as above	13,173 28	
Cash in hands of treasurer	9,604 76	
15 shares of stock in Farmer's Bank of Virginia estimated to be worth	1,680 00	
Due from Portsmouth rail road company	1,000 00	
36 negroes	14,400 00	
Tools and other property	1,000 00	
	<hr/>	40,855 04

Liabilities of the Company.

Debts due by the Company	850 00	
Due to stockholders on, account of 1st, 2d and 3d Dividends	4,806 50	
	8,005 34	
	<hr/>	13,661 84

For receipts and disbursements during the year, see treasurer's report.

Amount paid stockholders on account of 1st, 2d. and 3d, dividends	13,125 00
A dividend of 2 per cent. declared 9th Nov. 1835	7,980 00

A. JOYNER, Treasurer.
Roanoke Nav. Com.

REPORT

Of the Agent of the Cape Fear Navigation Company, to the Board for Internal Improvement.

A general statement of the accounts of the company as below, at their last annual meeting, is herewith submitted. You are referred for a more particular explanation of the different items to former reports, especially that of 1832, it being, I presume, unnecessary to transcribe them.

During the year ending 30th May last, there was expended on the river between Wilmington and Fayetteville, in removing logs and other obstructions from the channels of the river, and in making some repairs to the machinery used for the purpose, the sum of \$1708 74. And the company have had a gang of hands at work from the first of June last, until the present time: As the result of their labor, there has been a decided improvement in the navigation, it being better at this time than it ever was before, the river being equally low.

The tolls which accrued from 1st June, 1834, to 1st May, 1835, being 11 months, amounted to \$4598 26. And the following articles were transported on the river, viz:

DOWN—14,731 Bales of Cotton,
 1,567 Barrels Flour,
 252 Hhds. Tobacco,
 16 Barrels Spirits,
 325 Bushels Grain,
 1714 Casks Flax Seed, (7 bush. each.)
 \$352 20, Freight on articles not enumerated—tolls at 10
 per cent, on freight.

UP—52,774 Bushels Salt,
 2,892 Hhds and Pipes Merchandize,
 4,790 Barrels, "
 338 Tierces "
 315½ Tons Iron,
 1838 Casks Lime,
 \$13188 80 Freight on articles not enumerated—tolls at 10 per cent.

Nothing, I believe, has been attempted on the river above Fayetteville, the past year. The money expended below, has been part of the accruing tolls. Your attention is again respectfully directed to the claim this company has for money expended on the old dredging machine, (see former report) and also to the balance due on the State stock.

Allow me also to suggest, that measures should be taken to dispose of the old engine of the dredging boat; it is on storage, and will, in all probability, be an entire loss to the State, unless disposed of soon.

All which is respectfully submitted,

By order of the Board of Directors,

GEO. McNEILL, *Agent.*

Fayetteville, Nov. 9th, 1835.



State of North Carolina,

To Cape Fear Company,

Dr.

1833, Oct.:	To Cash paid Capt. Laws, for removing from Flats, cleaning, and storing away old engine,	125 00
	To Cash paid expenses of Agent to Wilmington and Flats, authorising the same,	22 25
1834, Aug.:	To Cash paid one year's storage, (one year's storage now due)	10 00

\$157 25

Dr.**A general Statement of the Accounts of the Cape Fear Navigation Company,****Cr.**

To Capital Stock, 1844½ shares,	\$92,212 50	By Canal at and near Fayetteville,	\$59,288 77
To Profit and Loss, (including reduction on stock)	72,044 64	By Canal near Haywood,	44,028 25
To town of Haywood,	9,688 95	By Cape Fear River above Fayetteville,	11,335 11
To Dividend Fund,	3,575 89	By Cape Fear River below do.	45,422 64
To Dividend unclaimed,	3,601 14	By State of North Carolina, balance of subscription,	1,375 53
To Tolls on River,	4,598 26	By James Mebane, (president)	146 23
To Interest account,	798 31	By Real Estate,	9,813 41
To sundry individuals,	23 75	By Contingent expenses,	216 21
		By Bonds, Notes and Judgments,	9,230 90
		By Salary Account,	500
		By Individual Accounts, (open)	3,232 25
		By Cash in hands of Treasurer,	1,959 14
			<u>\$186,543 44</u>

GEO. MCNEILL, Agent.**Fayetteville, May 30th, 1855.**

FORT MONROE, JUNE 19th, 1835.

SIR: Accompanying this, you will receive a plan of a Canal to restore the navigation of the former mouth of the Roanoke river. This project I have the honour to submit for the consideration of yourself and the Legislature of your State.

The work is designed to connect Albemarle Sound with the ocean, and I do not hesitate to say, that I can see no insurmountable obstacle to the accomplishment of this great and important improvement to the navigation of your State.

I have had the project in contemplation many years, and my experience confirms the opinion I entertain of its practicability. It will be the means of introducing ship navigation into the very heart of your State, and if to this, be superadded a system of connecting Canals and Rail-roads a union of your most valuable rivers will be attained, and the inland Commerce of the State be increased beyond any possible computation.

A glance at the map of your state is sufficient to convince any one of the feasibility of the undertaking. The district through which the proposed improvements are to be conducted, affords many natural advantages—such as a level surface of country, soil, water courses and building materials. The effects of cutting canals through the proposed route, will be to reclaim many tracts of useless waste lands by draining the swamps in the vicinity of the route, and is not unworthy of a consideration.

Rail Roads leading to the Roanoke, the Chowan, the Meherrin and their tributaries could be constructed advantageously. Pongs Run could be united with the Roanoke by a canal from Washington to Plymouth, using Welsh's Creek as a part of the canal if it proved of sufficient depth, but if not, then as a feeder. These are merely hints thrown out for consideration from an imperfect examination of the localities; a reconnaissance made by an experienced Engineer would doubtless be the means of discovering still more favourable routes than I have proposed.

The suggestion in relation to the canal across the Sand Bar, are offered under the firmer conviction, that the Swash near Ocracock Inlet can never be made navigable for a larger class of vessels than now can pass it: whereas the plan which I have the honour to submit proposes a depth of eighteen feet of water, or more between the Ocean and the Sound, and thus giving another Sea port to the State.

The objections to the project I can readily anticipate, the most formidable of which will doubtless be, the impracticability of keeping the entrance of the canal unobstructed by sand, but I am confident that this difficulty, can be easily obviated, by the construction of breakwaters, by taking advantage of the superior height of water (at times) in Albemarle Sound, and by the use of proper machines at either extremity of the canal.

The advantages afforded to commerce will be great, and the benefits resulting to the state of North Carolina, incalculable, and so apparent, that I deem it unnecessary to detail them here. It is my opinion that, should the canal be put into operation by the state, the tolls arising from it would so far exceed the interest upon the original cost, as to ultimately liquidate the whole expenditure.

Should the Legislature feel any wish to give action to these suggestions, they will always find me willing to render any service or advice to their local Engineer.

The Estimate of Cost is attached to the plan together with explanations of the different parts of construction. The material most required in such a construction will be stone of proper dimensions and durability. This material, it is presumable can be procured at the falls of the Roanoke at no great expense, or at some point nearer to the place of operations.

I have the honour to be, Sir, very respectfully,

Your obedient Servant,

W. K. ARMISTEAD, *Brig. Gen'l U. S. Army.*

His Excellency, the Governor of the State of North Carolina.

(E)

WINDSOR, Nov. 14, 1834.

Gentlemen: In consequence of the Legislature declining to subscribe at its last session for more stock in the Plymouth Turnpike Company, the Directors have been unable to do any thing towards putting the road in a state fit for travelling. It is known to you, that the contract of Horace Ely not having been completed within the time specified in said contract, the completion of it was put up to the lowest bidder, and was undertaken by Henry A. Davis, who has some time since finished it. By the contract executed between the Directors and the Contractors, the Directors had to appoint Inspectors whenever the contractors informed them that their work was done, whose report was to be final and binding upon both parties. In the case of each of the original contractors, a person of respectability and intelligence entirely unconnected with the Board or the contractors, was appointed to inspect the road and report to the Board, and if the contract was complied with the payment were made. In the case of Davis, an Inspector has not been sent, though I am informed by credible persons who have passed repeated be over it, that it is as well done as any other part of the road.

The other contractors had finished theirs before Ely's uncompleted contract was let out; and in the time which it took to finish that theirs is said to have been overrun with bushes. The contracts required all the dirt from the ditches to be thrown on the road and levelled, the directors supposing that they would furnish a sufficiency to make the road, such as they intended it to be. They were, however, mistaken, and were unable to alter the contracts; so that they were obliged to receive the road, after all the work had been done which they had required in their contracts, although the road was not such an one as the contracts stated it must be.

The Directors have heretofore applied to the legislature for assistance to complete the road, and to drain the water from the west end, it having been ascertained from the cutting of the ditches, that the middle of the swamp is higher than the edges, and that the ditches do not drain the water from but little more than half way. It is not yet too late, and if the legislature should this year appropriate about fifteen hundred dollars for that purpose, the west end may be drained, and the road put in order for use. Every year that it is postponed, will but add to the cost, it not being supposed to be the intention of the legislature to abandon it altogether, and lose both to the State, and to individuals so much money expended, and work done.

Inclosed I hand you my account with the Company as its Treasurer commencing in January 1830, shortly after my appointment, and ending this day, leaving a balance due me of \$22 62, exclusive of the work unpaid and debt due by the company. Ely's accounts will probably balance or nearly so; while the distance of the residence of Steward's security (tho' stated as good) makes it at least doubtful. The remainder of the sum \$60 due Henry Davis, will be paid in a few days.

The account inclosed, will show all the financial operations for the four years past.

I am, Gentlemen, very respectfully,

Your most obedient Servant,

J. G. ROULHAC.

To Cash paid William Redditt	7 35
" " Wm. Currell	7 35
" " For books for Treasurer	2 00
" " Machine, for printing,	1 50
" " John G. Blount, in full for contract No. 2,	261 75
" " M. J. Clark, in full contract No. 1,	350 00
" " Jno. G. Blount, 1st payment on contract No. 3,	375 00
" " Horace Ely, in part contracts No. 4 and 5,	10 00
" " Do in part do No. 4 and 5,	48 38
" " Do in part his contracts	247 25
" " Do in part his contracts	100 00
" " John G. Blount, 2nd payment for contract No. 3,	375 00
" " Horace Ely, on his contracts	15 00
" " Jno. G. Blount, part 3rd payment contract No. 3,	440 00
" " Do part 3rd payment do No. 3,	20 80
" " Wm. Currell,	2 50
" " Malachi Houghton, Att's fees	4 00
" " N. Bruer, for printing	1 25
" " John G. Blount, in full	296 70
" " Shiff of Washington county	15 03
" " Charles Blount, surveyor,	39 00
" " H. L. Davis, in part for his contract, to complete Ely's unfinished contracts No. 4 and 5,	638 00
" " Jno. G. Roulliac, acct allowed at the last meeting of the Board of Directors,	22 67
	<u>\$3,280 53</u>
To balance bro't down, due J. G. Roulliac,	22 52
" balance due H. Ely, not yet ascertained, about \$40 or \$60,	60 00
" Henry Davis	60 00
	<u>\$142 52</u>

By payment of acct's received from Thos. Turner, former Sec'y,	950 86
" do do do	16 00
" do of Thos. Turner's account	376 48
" do acct rec'd of Sec'y Roulliac,	2000 00
	<u>\$3373 29</u>
Deduct stock of H. Ely, not received	\$59 08
Do G. L. Stewart do	56 00
	<u>115 08</u>
Balance due J. G. Roulliac, Treasurer	3,258 21
	<u>22 52</u>
	<u>3,280 73</u>
H. Ely's stock, not collected, but good,	\$59 08
G. L. Stewart do do	56 00
	<u>115 10</u>

(F)

PETERSBURG RAIL ROAD OFFICE, }
 23d October, 1835. }

Sir: In conformity with the requisition of an act of the General Assembly of the State of North Carolina passed on the 1st day of January 1835, I have the honour to transmit you herewith, "an account of the expenses incurred in constructing, and keeping in repair, that part of the Rail Road within your State, and the amount of tolls received on the same," all of which please render to your legislature at its next session.

I avail myself of this opportunity to inform you, and through you the General Assembly of the State of North Carolina, that the Greensville and Roanoke Rail Road which connects with the Petersburg Rail Road in the vicinity of Belfield, and terminates at Wilkins' Ferry on the Roanoke, is now under contract, and will be completed throughout previous to the 1st August next; and I take pleasure in assuring you, under the authority of the directors of both Rail-road Companies, that their zeal is undiminished, and their efforts will be unceasing to make these improvements meet the expectations of your fellow citizens in every respect.

I have the honour, Sir, to be, with great respect,
 Your most obedient Servant,

CHARLES F. OSBORNE.

To his Excellency, the Governor of the State of North Carolina.



In obedience to the Act of the General Assembly of the State of North Carolina, entitled "an act to enact with sundry alterations and additions, an act, entitled an act to incorporate the Petersburg Rail Road, ch. 63, passed by the Legislature of Virginia, on the 10th of Feb'y 1830," passed by the Legislature of the State of North Carolina, on the 1st day of January 1831, the President and Directors of the Petersburg Rail Road Company respectfully submit the following statement:

Average cost of the nine miles of the Petersburg Rail Road within the State of North Carolina, including construction, value of land and the value of the vessels, engines, cars and coaches,	\$84,496 33
Average expenses, including wear and tear of engines, cars and coaches, and repairs of road, within the State of North Carolina,	\$6,585 98
The <i>nett proceeds</i> of tolls on transportation including passengers on the nine miles of the Petersburg Rail Road within the State of North Carolina is	\$6,824 16
These estimates continue the account, transmitted to you last year, and terminate the 1st day of May, 1835.	

CHARLES F. OSBORNE.

Petersburg, 23d Oct. 1835.

STATEMENT

OF

*Goods, Wares, Merchandize, and Produce, transported on the Roanoke Canal,
from 1st Nov. 1834, to 31st Oct., 1835.*

6,877	hhds. tobacco,	84	do feathers,
191	do do stems,	24,343	do bacon,
124	do sugar,	720	do raw hides,
10,646½	bbls. flour,	253,806	do goods, at 5 cents per 100,
29	do sugar,	77,922	do dry goods,
63	do tar,	9,365	gallons molasses,
21	do pork,	1,518	do wine,
731	do fish,	9,179	do domestic spirits,
4	porter,	1,387	do foreign do
700	bushels wheat,	627	do Vinegar,
25	do flax seed,	350	do train oil,
800	do corn,	65	do spts. turpentine,
75	do clover seed,	5,921	sacks salt,
352,994	pounds manufactured tobacco,	23	casks cheese,
30,940	do nails,	546	do lime,
55,620	do coffee,	214	bales cotton,
7,525	do white sugar,	66	boxes tallow candles,
754	do spices,	20	feet mill stones,
867	do beeswax,	37	tons bar iron,
3,575	do copper,	8	do castings,
3,230	do seed cotton,	28½	do gypsum,
14,590	pounds Grindstones,	7	m. shingles,
Producing in tolls			\$7,426 40

REPORT

Of the President and Directors of the Buncombe Turnpike Co.

To his Excellency the Governor, and President ex officio of the Board of Internal Improvement of North Carolina.

In obedience to the act of Assembly, the President and Directors of the Buncombe Turnpike Company, make the following Report, for the last fiscal year ending on the 7th of October, 1835.

There was in the Treasury at the General Meeting in October 1834, the sum of	\$1,765 60
There has been received at the gates of the Company, since that time, the sum of	5,715 73½

Making an aggregate of	\$7,481 33½
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Of the sum in the Treasury at the time of the general meeting in October 1834, there was the sum of \$122 in uncurrent and counterfeit money, leaving available funds to the amount of \$7,359 33½ within the present year. Which has been disbursed as follows:

In payment of the directory for the last year	\$296 00
To Overseers, and for hire of hands for work done previous to the meeting in October, 1834	398 60
In payment of the dividend of 5 per cent declared in Oct. 1834	1,500 00
In payment of the Clerk and Treasurer for 1834	100 00
In payment of the dividends of eleven per cent for 1835	3,300 00
To Overseers, for hire of hands, gate keepers, and other incidental expenses in the present year	1,100 78

Making the amount of	6,817 38
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Which leaves in the Treasury on the 7th of October, 1835,	663 951
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The company owe to their overseers and for the hire of hands, debts which are not liquidated, supposed to amount to the sum of \$500.

There are no liquidated debts due the company. They have claims against Samuel Newland, George Bowen and J. H. Tate and Brothers, supposed to amount in the aggregate to one thousand dollars; a part of which has been sued for, and suit is now pending in Buncombe Superior Court of Law. They have also suits pending against Samuel Allen and David McLawson for small sums unliquidated.

JAS. W. PATTON, *President*, B. T. P. C.
M. ALEXANDER, { *Directors*.
D. VANCE, }

The Board for Internal Improvement.

CR.

DR.

1834.	Dec. 10.—To balance as per return,	-	\$6,513 14	1835.—Dec. 8. By amount paid Jas Wyche, superintendent of public works, 5 days, at \$3	-	\$15 00
1835.	Dec 9.—To amount received Cherokee lands in the year ending 31st Oct., 1835, as per Treasurer's report to G. A.	-	1,835 17	By ditto expenses allowed by Board,	-	5 35
	To amount received of Bank of Cape Fear for three dividends of profit on 1,358 shares of stock as per Treasurer's report to G. A.	-	12,901 00	By amount paid to William Coleman, Clerk, 2 days at \$3,	-	6 00
		-		By balance,	-	21,222 96
			<u>\$21,249 31</u>			<u>\$21,249 31</u>

[No. 11.]

Legislature of North Carolina—1835.

REPORT

OF THE

JOINT SELECT COMMITTEE,

ON THE

SUBJECT OF ABOLITION.

RALEIGH:

Philo White, Printer to the State.

1835.

1871

Journal of John C. Smith

1871

1871

Journal of John C. Smith

1871

Journal of John C. Smith

1871

1871

Journal of John C. Smith

1871

Journal of John C. Smith

1871

PREAMBLE.



WHEREAS, the proceedings of certain persons in the middle and eastern States during the past summer, have furnished clear proof of a determination to promote, by means the most unjustifiable and iniquitous, the abolition of Slavery in the States of the Union in which it now exists ;—and whereas, as well from the wealth, number, and assiduity of the persons engaged in this criminal purpose, as from the means they have resorted to, to accomplish their designs, serious fears are entertained that our property, the peace of our country, and the Union of the States, may be endangered thereby—this General Assembly feel called upon by a just regard for the interests and happiness of the good people of this State, and of the other States similarly situated, as well as by an anxious solicitude for the preservation of the Union, which at present so happily unites all the States into one confederated people, to declare the opinions, and set forth the purposes of the people of this State, in language at once firm, clear, decided, and temperate.

When the American Colonies first united for protection from the encroachments upon their rights and privileges, made by the King and Parliament of Great Britain, they assumed the character of sovereign and independent States—they united under an organization which was in strictness, a league—leaving the direct power of operating upon the citizens of each State, with its own constituted authorities ; and when the present constitution was adopted, though to all general purposes it constituted the people of the States one people, with one government, having a direct legislative, judicial, and executive authority over the citizens, yet it declared by a specific enumeration, the powers intended to be granted to this government, and expressly declared, out of abundant caution that the powers not granted belonged to the States respectively, or to the people. At the time when this constitution was adopted, as well as at the time when the confederation was formed, each of the States recognized the right of its citizens to hold slaves. The constitution contains no grant of a power to any department of the government to control the people of any State in regard to its domestic institutions—certainly not in regard to that now in question. It is clear, therefore, that the whole power of regulating this subject within the State of N Ca., is vested now in the authorities of this State, as fully as on the day the Independence of the States was declared; for though much difference of opinion has existed as to the principle upon which the grants of power in the Constitution are to be interpreted, no one has ever had the temerity to assert, that the General Government may assume a power which is not granted in terms, and is not necessary as an incident to the proper exercise of a granted power.

We have, therefore, an undoubted right to regulate slavery amongst ourselves, according to our own views of justice and expediency—to continue, or abolish—to modify or mitigate it in any form and to any extent, without reference to any earthly authority, and solely responsible to our own consciences and the judgment of the Governor of the universe. No other

State, and no other portion of the people of any other State, can claim to interfere in the matter, either by authority, advice, or persuasion; and such an attempt, from whatever quarter it may come, must ever be met by us with distrust, and repelled with indignation.

Upon the other States of the Union, our claim is clear and well founded. If they were foreign States, it would be a violation of national law in them, either to set on foot themselves, or permit their own subjects to set on foot, any project the object or tendency of which would be to disturb our peace by arraying one portion of society against another. The constitution which unites us, and by virtue of which we have ceased to be foreign States in regard to each other, and have become bound in the closest Union and the most intimate relations for the promotion of the common defence and general welfare, cannot be supposed to have lessened our mutual obligations, or to have made an act harmless which would have been gross wrong had we continued in respect to each other as we now are in respect to other nations, in war enemies, and only in peace friends. It is evident, on the contrary, that every duty of friendship towards each other which before existed, is by our Union heightened in its obligation, and enforced by motives the most exalted and endearing. Whatever institution or state of society we think proper to establish or permit, is by no other State to be disturbed or questioned. We enter not into the inquiry, whether such institution be deemed by another State just or expedient. It is sufficient that we think proper to allow it. To protect us from attempts to disturb what we allow, and they approve, would be to support not our institutions, but their own opinions,—to exercise a supervising power over our legislation, and to insult us with a claim of superiority in the very offer to discharge the duty which our relations authorise us to require. As our right is indisputable, to regulate exclusively, according to our own notions, the interior relations of our own people, the duty of preventing every attempt to disturb what we have established, results from the simple fact, that we have established it. And the propriety and impropriety in the view of others of such regulations as we have pleased to make, can never either enhance or lessen the duty of such prevention.

We do full justice to the general sentiment and feelings of our fellow citizens in other States, and are fully aware that the attempts to injure us are made by a small minority,—composed, probably, of many misguided and some wicked men; and that these attempts meet with no favor, but on the other hand with marked disapprobation from the large majority of the communities in which they are made. Still it must be recollected that from the nature of the means employed, the danger to us is the same, whether these means are put into activity by a contemptible minority, or are sanctioned and adopted by the whole body of the people. An incendiary pamphlet performs its office of mischief as effectually when issued under the patronage of twenty, as of twenty thousand persons. Its efficacy depends upon its circulation, the weight of authority which supports it.

While, therefore, we are justly sensible of the sympathy for us, and the indignation against those who seek to disturb our peace, expressed by large and intelligent assemblies of our northern and eastern brethren, we cannot but know, that these expressions do in no way diminish our danger. While the abolitionists are allowed to pursue their course with no other check than the disapprobation of their fellow citizens, that disapprobation will little affect

them, and bring no support or consolation under the evils that are likely to befall us. We ask not sympathy, for we feel not, from the institutions we possess, that we suffer injury. We ask protection, not to maintain our authority by force of arms, for to that we know ourselves entirely adequate, but we ask protection from the necessity of resorting to such force for that purpose. We ask not assistance, to put down insurrectionary movements among our slaves, for should such occur, we are fully able to put them down ourselves. But we ask, that our slaves and ourselves may be relieved from external interference. Left to themselves, we believe our slaves a labouring class as little dangerous to society as any in the world. But we do ask, and think we have a right to demand, that others shall not teach them evil, of which they think not themselves; that they should not be stimulated by the base and violent of other lands, to deeds of bloodshed, of which the evils to us will be temporary—to the slaves themselves dreadful and lasting; that we may not be compelled, by a factitious necessity, to adopt measures of rigor, which such necessity only could justify. By some it seems to have been supposed, that the practices of the abolitionists cannot be put down by legislation, consistently with the constitutions of the states in which they live. If this were true, it would furnish no answer to our just complaint, and afford no excuse to those states for permitting such practices to continue. The duty, the performance of which we invoke, is binding upon those states, and they have no right to disable themselves from its performance by an organic law, more than to refuse its performance by an ordinary act of legislation. The obligation being perfect, cannot be dissolved by any arrangement of the party on whom the obligation rests. If therefore, any such difficulty did in reality exist, we should have a right to ask, that the organic law which produced it, should be so altered as to remove it. But does any such difficulty exist? The one supposed is this: That as the abolitionists seek to accomplish their object by the issue of inflammatory publications, a law to arrest their progress would be a violation of the liberty of the press. This difficulty has its origin in a total misconception of what is meant by the liberty of the press; which means not the right to publish without responsibility, but to publish without previous permission. If it meant the former, the liberty of the press would be the greatest curse which could be inflicted on a nation. Where everyman has a right to publish what he pleases, but is responsible to the law for the nature and tendency of his publication, the press is free. If he has the right to publish without such responsibility, the press is licentious. If the latter right exist, it is the only instance known to our laws, of a right to act without any accountability for the action. Every man has a right to carry arms for his own defence, and that right is as clear and as important as the freedom of the press; yet it was never supposed that he who used arms for violence or bloodshed, was therefore irresponsible, because he had a right to carry them for defence.

But it is unnecessary further to set forth the justice of our claims on our brethren of the north and east, and their capability, if they were desirous, of complying with our just demands. We believe that our property, the lives of our fellow citizens, and the peace and harmony of our country, are threatened by the measures of these misguided, wicked men; and though we feel the greatest attachment for the Union, and would do all in our power to strengthen and perpetuate it, yet we are not ready to surrender those very rights and blessings which that Union was formed to protect: And should

the means now adopted, prove ineffectual in stopping the progress of these attacks on our peace and happiness, we would invoke the aid of the other slave holding States, that there may be concert of action in taking such steps as the occasion may demand.

THOMAS G. POLK,
Chairman of the Committee of 26.

RESOLUTIONS.

Resolved, That we are ready and willing to make a common cause of this subject with the rest of our sister slaveholding States, and hereby invite their co-operation in passing such laws and regulations as may be necessary to suppress and prevent the circulation of any such publications within any of said slaveholding States.

Resolved, That altho' the Constitution secures to Congress the exclusive jurisdiction over the district ceded by the States to the federal government, yet we should deprecate any action on the part of Congress, towards liberating the Slaves of the District, without consent of their owners, as a breach of faith towards those states by whom the territory was ceded; and will regard such an interference as the first step towards legislative action with regard to our own property.

Resolved, That his Excellency the Governor of this State be requested to transmit a copy of these resolutions to each of our Senators and Representatives in Congress, and to the Executive of each of the States of this Union.

RESOLUTIONS,

Presented on behalf of the Minority of the Committee.

1. *Resolved*, That North Carolina alone has the right to legislate over the Slaves in her territory, and any attempt to change their condition, whether made by Congress, the legislatures, or the people of other States, will be regarded as an invasion of our just rights.

2. *Resolved*, That we are ready and willing to make, on this subject, a common cause with the rest of our sister slaveholding States, and hereby invite their co-operation in passing such laws and regulations as may be necessary to suppress and prevent the circulation of any incendiary publications within any of the slaveholding States.

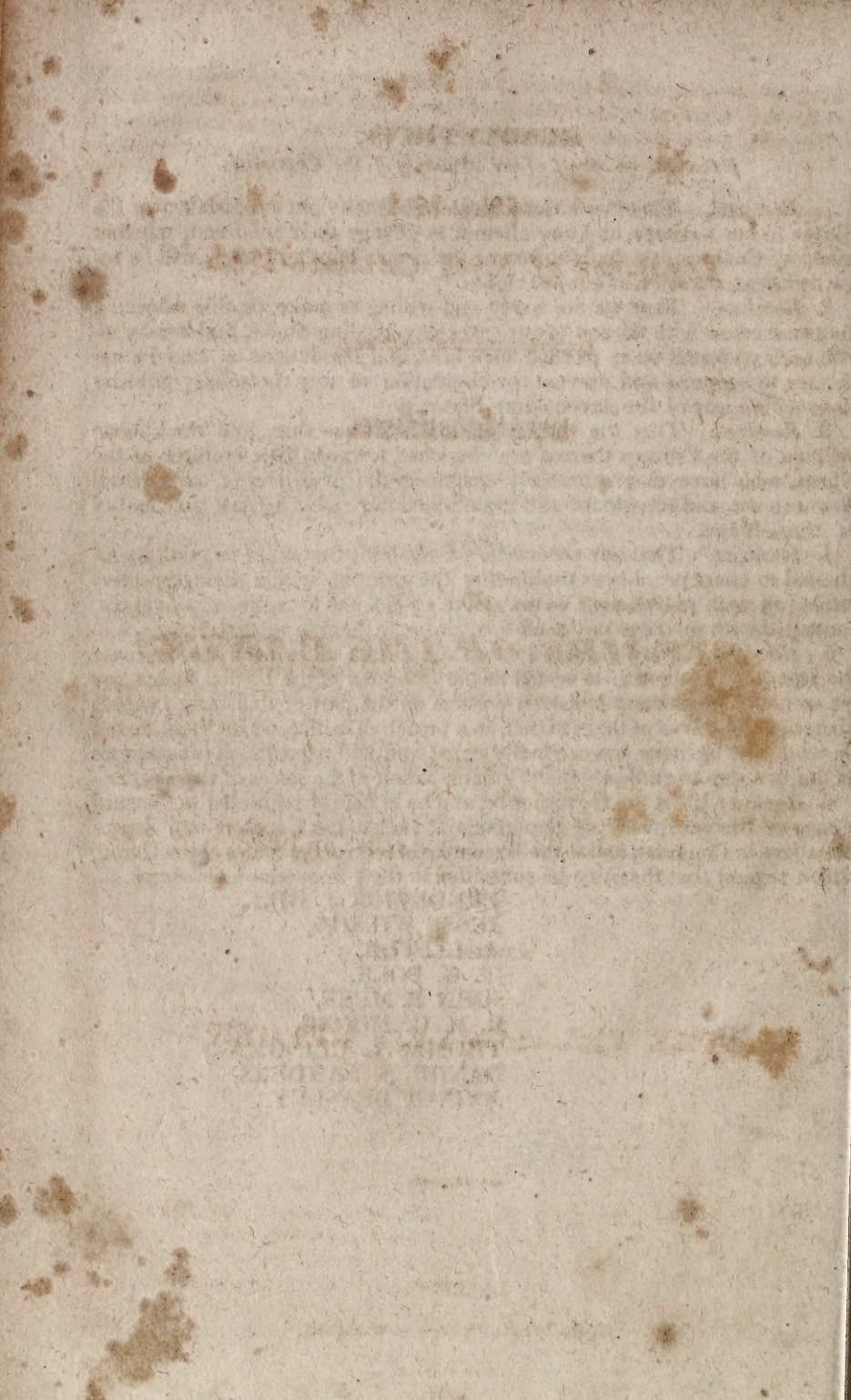
3. *Resolved*, That the thanks of this State are due, and the kindest feelings of the Citizens thereof are cherished towards their brethren of the North, who have magnanimously sustained the principles of our Federal Government, and recognized and maintained our rights against the fanatics of those States.

4. *Resolved*, That our sister non-slaveholding States are respectfully requested to enact penal laws prohibiting the printing within their respective limits, all such publications as may have a tendency to make our slaves discontented with their present condition, or incite them to insurrection.

5. *Resolved*, That although by the Constitution, all legislative power over the District of Columbia is vested in the Congress of the United States, yet we would deprecate any legislative action on the part of that body towards liberating the slaves of that District, as a breach of faith towards these States, by whom the territory was originally ceded, and will regard such interference as the first step towards a general emancipation of the slaves of the South.

6. *Resolved*, That the Governor be, and he is hereby requested to forward a copy of this preamble and resolutions to each of our Senators and Representatives in Congress, and to the Executive of each of the States of the Union; with a request that the same be submitted to their respective legislatures.

FREDERICK J. HILL,
JESSE WILSON,
A. LITTLE,
T. G. POLK,
JOHN B. MUSE,
R. M. G. MOORE,
THOMAS L. CLINGMAN,
DANIEL S. SANDERS,
JOHN B. BEASLEY.



[No. 12.]

Legislature of North Carolina—1835.

STATEMENTS

OF THE

AFFAIRS OF THE BANKS

RECEIVED AT THE

52

TREASURY DEPARTMENT

SINCE THE DATE OF

THE TREASURER'S REPORT



RALEIGH:

Philo White, Printer to the State.

.....
1835.

TREASURY DEPARTMENT, N. C. }
Raleigh, Dec. 5, 1835. }

SIR:

I have the honor herewith to transmit for the use of the Legislature,
such Bank Statements as have been received at this Department, since the date
of my annual Report.

I have the honor, to be,

Very respectfully,

Your obedient servant,

S. F. PATTERSON.

HON. W. H. HAYWOOD, JR.

Speaker, House of Commons.

State of the Bank of Cape Fear on the morning of Monday, 2nd November, 1835.

	Dollars.
Capital Stock,	531,200
Notes in circulation,	-
Deposites,	630,982
Dividends unpaid,	143,603
Due to Banks,	2,117
Profit and Loss	6,557
	<u>25,520</u>
	<u>1,339,979</u>

	Dollars
Specie funds,	-
Deposites in Foreign Banks,	-
Notes of other Banks on hand,	-
Due by Banks in North Carolina,	7,360
Real Estate,	77,116
Debt,	-
	<u>800,195</u>
	<u>1,339,979</u>

JOHN HILL, Cash'r.

State of the Merchants' Bank of Newbern taken on Saturday, 28th November, 1835.

	Dollars.
Gold and Silver,	13,259 95
Notes of Bank United States,	28,200 00
	<u>41,459 95</u>
Fulton Bank of New York,	8,504 48
Bills of Exchange	92,426 45
Bills Receivable,	217,086 17
Real Estate,	6,220 67
	<u>365,697 72</u>
	<u>23,397</u>
	<u>3,351</u>
	<u>26,772</u>

	Dollars.
Capital Stock 1658 Shares—paid in	141,431 87
Due to Bank of Newbern,	22,546 22
Deposites,	37,219 58
Notes in circulation	159,880 00
Profit and Loss,	4,620 05
	<u>365,697 72</u>

JOHN SNEAD, President.

Note.—In the above amount of Bills Receivable of 217,086 17, there is due from Stockholders
from Directors

State of the Bank of the State of North Carolina, 21st November, 1855.

Bills and notes discounted	1,978,954 40	Capital Stock	1,096,600 00
Suspended debt	24,076 56	General Profit and Loss	54,429 29
		Treasurer, United States	74,230 70
Bills of Exchange	2,003,030 96	Post Office Department	34 41
	328,503 45	Public Treasurer of North Carolina	53,832 28
Real Estate	2,331,534 41	Dividends unpaid	2,322 00
	24,368 45		
		<i>Due to Banks</i>	
Bank U. States Philadelphia	50,232 31	State Bank of North Carolina	24,493 73
Do. New York	199,818 40	Bank C. F. Fayetteville	42,859 78
Do. Norfolk	5,350 77	Do. Hillsboro'	386 44
Bank of Va. Petersburg	535,434 48	Bank of Newbern	43,246 22
Planters and Mechanics, Charleston	50,342 90	Farmer's Bank Va. Petersburg	35,618 65
Merchant's Bank, Baltimore	43,994 28	Do. Norfolk	38,028 95
Bank of Metropolis, Washington	620 00	Off. Bank U. S. Fayetteville	392 38
Bank Cape Fear, Wilmington	365 97	Mec's. Bank Philadelphia	20,064 67
	417 34	Do. do New York	398 00
			1,836 09
	351,171 97		164,078 60
<i>Bank Notes on hand.</i>		<i>Notes in Circulation.</i>	
Bank U. States and Branches	27,300 00	Issued at Raleigh	836,065 00
Virginia Banks	31,640 00	Do. Newbern	202,110 00
South Carolina Banks	335 00	Do. Tarborough	170,885 00
North Carolina Banks	16,797 50	Do. Fayetteville	50,596 00
			1,259,656 00
<i>Specie</i> --Silver, &c.	293,584 98	Individual Deposits	341,953 15
Gold	8,052 81	Bills and Checks in Transit	41,630 08
			\$3,088,766 60
Vouchers, unadjusted	301,637 79		
	3,981 48		
	\$3,088,766 60		

O. DEWEY, Cashr.

Of the above sum of \$2,003,030 96, there is due by Stockholders not Directors
Directors

*Legislature of North Carolina.....1835.***REPORT**

OF THE

JOINT SELECT COMMITTEE,

ON THE SUBJECT OF

THE REVISED STATUTES.

The Joint Select Committee to whom was referred, the Message of his Excellency the Governor, transmitting the Report of the Commissioners appointed to revise and digest the public statute laws, and a resolution of the Senate directing an inquiry into the probable expense of printing and re-enacting the statutes after the revision shall be completed, have attentively considered the same, and **REPORT:**

That from the limited period allowed for the session of the present General Assembly, they deem it inexpedient for this Legislature to attempt the re-enactment of any portion of the digest which has been completed. The magnitude of the task, and the great importance of its correct performance, require that it should be done with the maturest deliberation, and with the fullest opportunity of removing all errors and adding proper amendments. So great has been the consequence attached to similar undertakings in other States of the Union, that special sessions of their legislatures have been held, for the purpose of passing upon the revised statutes alone. Your committee however believe, that it is in the power of this General Assembly greatly to facilitate the labors of their successors upon this subject, and that probably the necessary delay in the final accomplishment of the work, will but add to its accuracy and usefulness. In ordinary legislation, where the subject is in the least degree complicated, it is deemed unsafe to proceed without having printed copies of the bills for the rigid security of every mind, whose approbation is required to the success of a measure proposed. This common precaution would appear to be altogether indispensable, where the whole of the statutes which have been enacted on any particular subject for six centuries past, are to be reviewed, collected, arranged in lucid order, and if necessary amended. By causing the whole of the work to be printed in the course of the next year, it will be found ready for the immediate action of the members of the next legislature at the commencement of their session, and a large part of it may undergo the revision to the General Assembly in that early period, which is usually spent in the mere preparation of business.

In regard to the expense of printing, into which your Committee have been instructed to inquire by a resolution of the Senate, they have learned through members of their body appointed for the purpose, that two hundred copies of three hundred octavo pages each, may be procured at the moderate expense of \$1 per page, or three hundred dollars for the whole, and so in proportion for any greater number of pages. The entire digest when finished will probably not exceed six hundred pages—so that the printing of the whole number of copies required for the use of the next General Assembly will be less than the compensation of the numbers thereof for a single day. Your committee, therefore, recommend that the portions

of the work of the commissioners which have been submitted to the inspection of the Legislature shall be returned to them, and that when they shall have completed the residue, they shall procure two hundred copies of the same to be printed, upon the most economical terms, and deposit them in the office of the Governor for the use of the next General Assembly.

Your committee are of opinion that it would much accelerate the progress of the work, as well as diminish the claims of the commissioners to additional compensation, according to the provisions of the act directing their appointment, should the Legislature authorise the employment of a clerk to assist in transcribing their manuscripts, and preparing them for the press; an appropriation of three hundred dollars will be sufficient to procure one—and it is respectfully suggested that it should be made.

From a cursory examination, which your committee have been able to bestow on the unfinished work of the commissioners, which has been referred to them, they have been highly gratified, both with the plan of the digest which has been adopted and the mode of its execution. The heads, or titles, of the different subjects of statutory enactment, are alphabetically arranged; and all the acts, or parts of acts, now in force and use, pertaining to any particular title, are disposed according to their appropriate connexion, without regard to chronological order, so as to present the whole body of our Legislation on any subject in a single act or chapter. Marginal references are also added, showing the dates of the respective acts thus embodied. A highly useful branch of the labors of the commissioners has been, to prepare additional sections, to reconcile conflicting provisions of different statutes, which they recommend as amendments, for the adoption of the Legislature, where the existing Laws are believed to require such amendments.

Your committee anticipate the greatest benefits to the people of the State, from the completion of the digest of our statute laws, in the manner thus briefly described. Freedom can only exist when secured by law. But it is in vain that laws are enacted and promulged, unless they shall be made intelligible to those upon whom they operate. The legislation of North Carolina, since the year one thousand seven hundred and fifteen, (the date of the earliest colonial statute) is spread over more than two thousand octavo pages, to say nothing of the statutes of England, which are recognized as in force here. So voluminous have the acts become on many titles—so various and contradictory on others—and so much that has been rendered obsolete by the change of government and other circumstances, is still preserved in the statute book, that it is not unfrequently difficult even for the legal profession to determine whether a particular act is in force, or whether it has been repealed: Such confusion and uncertainty in that department of the law, which is of the most common application, and capable of constant improvement, are not only embarrassing and inconvenient to the citizen in private life, but are extremely unfavorable to enlightened Legislation. The work of the commissioners, now in an advanced state of preparation, will reduce the whole body of our statute law, both English and American, to a single volume of less than six hundred pages, and present it in such form as to render a knowledge of his most essential rights accessible to every individual possessed of the rudiments of education. When approved by the Legislature, and prepared for publication, the copy-right may be secured to the State; and, it is believed by your committee, that it will afford a complete indemnity, in a merely pecuniary point of view, for the expense incurred in its preparation.

To carry into execution the measures recommended in this report, your committee present the accompanying bill to the consideration of the Legislature.

Respectfully submitted,

WILL. A. GRAHAM, *Chairman.*

Dec. 11th, 1835.

A BILL

Granting further time for revising and digesting the Public Statute Laws.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the act of the General Assembly, passed in the year one thousand eight hundred and thirty three, entitled an act for revising and digesting the public statute laws of the State, shall be, and continue in full force and operation; and the Commissioners heretofore appointed by virtue of the act foresaid, or those who may be hereafter appointed, shall be allowed untill the first day of December, one thousand eight hundred and thirty six, to complete the duties assigned to them by said act.

II. Be it further enacted, That that portion of the digest of the public laws, which has been already completed by the commissioners. and presented by his Excellency the Governor to the General Assembly shall be returned to said commissioners, who shall proceed to prepare the residue thereof. And it shall be their duty, after having finished said digest in the manner prescribed by the act aforesaid, to cause two hundred copies of their work, to be printed by some printer to be designated by the Governor in convenient form, for the use of the members of the next General Assembly, and to deposite the same in the office of the Governor, who is hereby authorized to draw upon the public treasury for the costs of such printing when completed.

III. Be it further enacted, That to enable the said Commissioners to complete their work, and to have the same transcribed for the press in convenient time, it shall and may be lawfull for them, to employ a clerk to said commission at a compensation not exceeding three hundred dollars, to be paid out of the public treasury upon the warrant of the Governor as aforesaid.

THE HISTORY OF THE CITY OF BOSTON, FROM THE FIRST SETTLEMENT TO THE PRESENT TIME.

IN TWO VOLUMES. THE FIRST VOLUME CONTAINS THE HISTORY FROM THE FIRST SETTLEMENT TO THE YEAR 1780. THE SECOND VOLUME CONTAINS THE HISTORY FROM THE YEAR 1780 TO THE PRESENT TIME.

BY SAMUEL JOHNSON, ESQ. OF BOSTON. IN TWO VOLUMES. THE FIRST VOLUME CONTAINS THE HISTORY FROM THE FIRST SETTLEMENT TO THE YEAR 1780. THE SECOND VOLUME CONTAINS THE HISTORY FROM THE YEAR 1780 TO THE PRESENT TIME.

LONDON: PRINTED BY J. JOHNSON, ST. PAULS CHURCH-YARD, 1780.

BOSTON: PRINTED BY J. JOHNSON, ST. PAULS CHURCH-YARD, 1780.

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[No. 15.]

Legislature of North Carolina—1835.

REPORT

OF THE

Treasurer of the University

OF

NORTH CAROLINA.

RALEIGH:

Philo White, Printer to the State.

.....
1835.

[No. 10]

Legislature of North Carolina—1883

REPORT

STANDARD OF THE UNIVERSITY

NORTH CAROLINA

Printed by the State Printer at Raleigh

REPORT.

RALEIGH, 21st Nov. 1835.

To the President and Board of Trustees
of the University of North Carolina:

GENTLEMEN.

I have the honor to inform you that the receipts at the Treasury of the University, within the past year, embracing a period from the 30th November, 1834, to 30th November, 1835, amounted to eighty one thousand one hundred and seventy one dollars and forty two cents, \$81,171 42

Which sum being added to three thousand and thirty five dollars
and thirty six cents, 3,035 36

The balance in the Treasury unexpended on the last annual settlement, viz: on the 10th Nov'r. 1834, form an aggregate of eighty four thousand two hundred and six dollars and seventy eight cents, \$84,206 78

That the disbursements within the same period, amount to six thousand nine hundred and seventy two dollars and seventy nine cents, \$6,972 79

Leaving a balance in the Treasury, at the close of the past year, viz. on the 30th November, 1835, of seventy seven thousand two hundred and thirty three dollars and ninety nine cents, 77,233 99

Which balance is deposited, and stands to the credit of the Treasurer of the University, in the Bank of the State of North Carolina at Raleigh.

The receipts at the Treasury aforesaid, consist of the following items:

1. Old Balance,	\$3,035 36
2. Cash received of E. Shober, for land sold in Stokes,	89 91
3. Ditto " Thomas P. Devereux, balance of decree in Supreme Court, Clarke vs. Cotten,	54 70
5. Ditto ditto John M. Dick, on a decree in Randolph Superior Court,	498 20
6. Ditto nett proceeds of Gov. Swain's note at Bank,	727 01
7. Ditto divided from sales of Western Lands, according to a detailed statement rendered the Executive Committee,	79,801 60

Aggregate \$84,206 78

The various items of Disbursements are exhibited in the account current and vouchers, which accompany this report, and which are submitted a part thereof.

From statements furnished by the Superintendent, or Receiver of College fees, at Chapel Hill, it appears that the sum received from the Students for tuition and room rent for the two Sessions of 1835, amount to \$3,094 50; which sum has been collected and disbursed by said Superintendent among the faculty of the College in part payment of their salaries.

Chas. Manly, Tr, Un. N. C.

1875

— 100 —

[No. 16.]

Legislature of North Carolina.....1835.

STATEMENT

IN RELATION TO

THE CHEROKEE LANDS,

FURNISHED BY THE

PUBLIC TREASURER.

RALEIGH:

Philo White, Printer to the State.

.....
1835.

TREASURY DEPARTMENT. }

December, 15th 1835. }

SIR: In compliance with two resolutions, adopted by the House of Commons, on the 27th and 28th of November, last, calling for certain information in relation to the Cherokee lands, and to the bonds given for the purchase of the same, now on file in this department, I have the honor herewith to transmit a tabular statement exhibiting the amount of principal of the said bonds, the amount paid on the same, the amount of interest, the amount of principal and interest, the whole number of bonds unpaid, the aggregate amount of the bonds given for the purchase of said lands, the aggregate amount of principal paid on the same, and the balance now due, together with the aggregate amount of the several sales of the Cherokee lands; which comprises all the information in the power of this department to furnish within the supposed period allotted to the Session of the present General Assembly.

I have the honor to be,

Very respectfully,

Your most obedient servant,

S. F. PATTERSON, P. T.

The Hon. SPEAKER
of the House of Commons.

STATEMENT, exhibiting the amount of principal of the Cherokee bonds now on file in the Treasury Department; the amount of interest; the amount of principal and interest now due; the whole number of bonds unpaid; the aggregate amount of the sales of the Cherokee lands; the aggregate amount of principal supposed to be paid, and the balance now due, December 1st, 1835.

No.	Names of Purchasers.	Amount of Principal.	Amount of Payments.	Amount of Interest.	Amount of Prin. & Int.
SALES OF 1820.					
1	Martin Angel,	50	46 12	12 95	16 82
2	Ditto do	50		36 37	86 37
3	do do	50		33 37	83 37
4	David P. Adams,	39 75		31 30	71 05
5	Ditto do	39 75		28 92	68 67
6	do do	39 75		26 50	66 25
7	do do	29 65	71	26 85	55 79
8	do do	29 65		19 72	49 37
9	do do	29 65		17 51	47 16
10	Benj. S. Brittain,	87 93		32 09	120 02
11	Ditto do	87 93		58 47	146 40
12	do do	95 06	18 72	86 82	163 15
13	do do	190 12		149 42	339 54
14	do do	190 12		138 02	328 14
15	do do	190 12		126 62	316 74
16	do do	155		136 13	291 13
17	do do	310		253 66	563 66
18	do do	310		235 06	545 06
19	do do	310		216 46	526 46
20	do do	150		126 90	276 90
21	do do	300		235 80	535 80
22	do do	300		217 80	517 80
23	do do	300		199 80	499 80
24	Jesse Berry,	148 75	113 56	50 30	85 49
25	Do do	148 75	29 25	102 46	221 96
26	William A. Brittain,	105		69 82	174 82
27	Ditto do	271 75	226 26	159 90	205 39
28	do do	271 75	250	103 94	125 69
29	William Bryson,	75	42 63	58 88	91 20
30	Ditto do	75	48 71	23 50	49 79
31	James N. Bryson,	27 50	3 95	21 89	45 44
32	Ditto do	27 50		18 35	45 85
33	Alfred Brown,	50		42 37	92 37
34	Ditto do	100		78 75	178 75
35	do do	100		72 75	172 75
36	do do	100		66 75	166 75
37	Joseph Cowan,	150 25	150	44 66	44 91
38	Ditto do	150 25		109 30	259 55
39	do do	150 25		100 29	250 54
40	Mark Coleman,	233	84 79	167 17	315 38
41	Ditto do	233	162	126 01	197 01
42	do do	233		155 52	388 52

43	William Cathey,	167	25		121	66	288	91	
44	Ditto do	167	25		111	63	278	88	
45	George Dickey,	75		57	41	30	86	48	45
46	James Connelly,	62	50	39		25	03	48	53
47	Saml. Crawford,	27	50			18	35	45	85
48	Abraham Enloe,	175	31			116	58	291	89
49	Ditto do	175	31			127	09	302	40
50	do do	175	31	166		70	29	79	80
51	Robt. and Jesse Fulton,	62	50	33	95	43	81	72	36
52	Ditto do	62	50	12		49	38	99	88
53	do do	62	50			41	71	104	21
54	Samuel Gipson	98	75	110		50	26	39	01
55	Ditto do	98	75			65	66	164	41
56	Andrew Hemphill,	214	87	86		139	60	268	47
57	Benjamin Howard,	360	25	90		282	90	552	90
58	Ditto do	360	25			261	45	621	70
59	do do	360	25			239	85	600	10
60	John Hyde,	200		46		169	72	333	72
61	Ditto do	200				145	50	345	50
62	do do	200				133	50	333	50
63	Jesse Lowe,	62	50	50	89	17	55	29	16
64	Robt. Love, jr., & J. Moore,	550		500		160	92	210	92
65	Ditto do	550		509	07	413	08	454	01
66	do do	550				366	66	916	66
67	do do	275				99		374	
68	do do	133	50			89		222	50
69	James Love,	58	50	12		47	31	93	81
70	Ditto do	58	50			42	41	100	91
71	do do	58	50			38	90	97	40
72	Aaron Pinson,	85		3	07	51	25	133	18
73	Robt. Phillips,	25		17		13		21	
74	Jonathan Phillips,	69		53	97	18	26	33	29
75	Ditto do	95				63	32	158	32
76	Humphsey Posey,	56	25	36	12	28	76	48	88
77	Ditto do	56	25			40	77	97	02
78	do do	56	25			37	40	93	65
79	John Shuler,	75	12	75	12	29	45	29	45
80	Ditto do	150	25			118	23	268	48
81	do do	150	25			109	22	259	47
82	do do	150	25			100	21	250	46
83	Joseph Sherrill,	38	12	38	12	14	86	14	86
84	Ditto do	76	25	61	87	50	96	65	33
85	do do	76	25			55	46	131	71
86	do do	76	25			50	89	127	14
87	do do	27	50	9	05	17	88	36	33
88	do do	27	50			18	28	45	78
89	Saml. Sherrill,	105		55		82	46	132	46
90	Ditto do	105				70		175	
91	Wm. Stice,	33	75	26	67	14	99	22	07
92	Do do	33	75			22	52	56	27
93	John Stiles,	35	75	14	79	27	73	48	69
94	Do do	35	75			23	77	59	52
95	John Stevenson	205		131	70	92	19	165	49
96	Do do	205		160		58	41	93	41
97	Saml. Smith,	250				416	87	416	87

	5			
98 Samuel Smith,	100	53 79	58 03	104 24
99 Temperance Thomas,	25	12	14 16	27 16
100 Lewis Tilly,	29 75	25 45	8 94	13 24
101 Do do	29 75		21 61	51 36
102 do do	29 75		19 83	49 58
103 Thomas Tatham,	140 25		110 08	250 33
104 Do do	140 25		101 67	243 92
105 do do	140 25		93 26	233 51
106 Nathan Thompson, jr.	16 87		14 29	31 16
107 Do do	33 75		26 55	60 30
108 do do	33 75		24 53	58 28
109 do do	33 75		22 51	56 26
110 Margaret Welch,	280		218 87	498 87
111 Do do	280		202 07	482 07
112 do do	280		185 27	465 27
113 Thomas Welch,	575		449 62	1024 62
114 Do do	575		415 12	990 12
115 do do	575		380 62	955 62
116 Abraham Wiggins,	44 82	19 09	32 68	58 41
117 Do do	44 82		29 68	74 50
118 Andrew Welch,	121 50	121 50	47 61	47 61
119 Do do	243		191 35	434 35
120 do do	243		176 77	419 77
121 do do	243		162 19	405 19
122 Henry Wikle,	232 50	200	97 21	129 71
123 Do do	232 50	85	159 44	306 54
124 do do	232 50		155 19	387 69

SALES OF 1821.

124 James Belk,	52	51 76	5 82	6 06
125 Do do	52		31 57	83 57
126 Jesse Cornwell,	215 06	65	139 18	289 24
127 Do do	215 06	32	130 62	313 68
128 James Crawford,	25 25	12	11 56	24 81
129 Do do	25 25		16 68	41 93
130 do do	25 25		15 18	40 43
131 Sarah Crawford,	95 80	65 60	53 73	83 93
132 Do do	95 80		58 32	154 12
133 Lincoln Fullum,	147	64 54	89 89	173 10
134 John Howard,	133		104 57	237 57
135 Do do	133		88 61	221 61
136 do do	133		80 63	213 63
137 John Johnston	70	20	46 69	96 69
138 Do do	70		42 51	112 51
139 do do	45	34 90	20 84	30 94
140 do do	45		27 32	72 32
141 do do	67 50	64 91	21 54	24 13
142 do do	67 50		45 38	112 88
143 do do	67 50		41 30	108 80
144 Jesse Kirby,	28 50	22 91	14 76	20 35
145 Do do	28 50		19 34	47 84
146 do do	28 50		17 60	46 10
147 Thomas Love, jr	36 50	36 50	11 06	11 06
148 Ditto do	73	25	49 77	97 77
149 do do	73		48 72	121 72
150 do do	73		44 34	117 34
151 do do	26 25	26 25	7 82	7 82

152	Thoms Love, Jr.	52 50	25	32 86	60 36
153	Do do	52 50		35 36	87 86
154	do do	52 50		32 18	84 68
155	Charles M'Clain,	28	10	12 06	30 06
156	Do do	28		17 01	45 01
157	John Moore,	73 12	50 28	49 75	72 59
158	do do	73 12		44 33	117 45
159	David Rogers,	243	145 02	129 15	227 13
160	John Ruddell,	64 75	30	39 49	74 24
161	Samuel Smith,	37 50	18 19	17 86	37 17
162	Do Do	37 50		22 49	59 99
163	Abram Sellers,	74 62	23 25	54 13	105 50
164	Do do	74 62		50 05	124 67
165	do do	74 62		45 55	120 17
166	Joseph Welch,	116 25	60 70	68 55	123 10
167	John Woody,	29		22 82	51 82
168	Do do	58	15 37	34 26	76 88
169	do do	58		38 71	96 71
170	do do	58		35 23	93 23

SALES OF 1822.

171	John Amons,	39 25	34 12	17 12	22 25
172	Martin Angel,	202 50	100	95 66	198 16
173	Do do	202 50		122 81	325 31
174	do do	202 50		110 63	313 13
175	James Bryson,	55 25	36 25	22 43	41 43
176	Do do	55 25	50	20 22	25 47
177	Alfred Brown,	20 15		13 29	33 44
178	Do do	20 15		12 09	32 24
179	do do	20 15		10 89	31 04
180	Amos Brown,	56 25	41 03	19 04	34 26
181	Do do	56 25	51 50	30 98	35 73
182	do do	56 25		30 52	86 77
183	Samuel Bryson,	125	71 11	68 01	121 90
184	Benjamin S. Brittain,	43 75		31 90	75 65
185	Do do	87 50		58 52	146 02
186	do do	87 50		53 24	140 74
187	do do	87 50		47 96	135 46
188	do do	25 50		18 85	44 35
189	do do	51		33 91	84 91
190	do do	51		30 85	81 85
191	do do	51		27 79	78 79
192	John Broadway,	87 50	60 42	45 92	73
193	Do do	87 50		47 96	135 46
194	Joseph Buchanan,	58	3	35 08	90 08
195	Do do	58		31 62	89 62
196	John Bell,	60	31 80	28 50	56 70
197	Do do	60		36 30	96 30
198	do do	60		32 70	92 70
199	John Broadway,	87 50	20	47 97	115 47
200	Samuel Broadway,	20 81	17 93	10 06	12 94
201	Do do	20 81		11 44	32 25
202	do do	20	19 80	3 92	4 12
203	do do	20		12 10	32 10
204	do do	20		10 90	30 90
205	John Battle	23 43	21 37	9 18	11 24

		7			
206	Thomas Love, jr.	23 48		13 91	37 34
207	do do	23 43		12 53	35 96
208	Hugh Brown,	35 62	10 59	21 53	46 56
209	Do do	35 62		21 78	57 40
210	do do	35 62		19 62	55 24
211	Alexander Crisp,	16 64	18	4 28	2 92
212	Do do	33 28	20	15 19	28 49
213	do do	33 28		19 96	53 24
214	do do	33 28		17 98	51 26
215	A. Corn, & J. Trummell,	125 50	10	83 83	199 32
216	Do do do do	125 50	32	72 45	165 95
217	do do do do	125 50		18 67	144 17
218	John Conley,	122 50	14 01	67 03	175 52
219	Washington Crawford,	69 50	5 54	42 35	106 31
220	Do do	69 50		38 15	107 65
221	Amos Cabe,	18 75	20	6 17	4 92
222	Do do	18 75		10 35	29 10
223	Jacob Couch,	44 06	9 68	29 90	64 28
224	Do do	44 06		26 63	70 69
225	do do	44 06		23 99	68 05
226	do do	9 50		7 25	16 75
227	do do	19		12 63	31 63
228	do do	19		11 49	30 49
229	do do	19		10 35	29 35
230	William Cathey,	90	12 37	54 46	132 09
231	Do do	90		49 06	139 06
232	John Dobson,	54 75	45	26 29	36 04
233	Do do	54 75		29 94	84 69
234	do do	89 78	71 46	34 05	52 37
235	do do	89 78	40	47 98	97 76
236	do do	89 78		48 98	138 76
237	Henry Dryman,	28 11	9 62	15 14	33 64
238	Do do	28 12		16 90	45 02
239	do do	28 12		15 22	43 34
240	do do	59	28 88	35 68	65 80
241	do do	59		32 60	91 60
242	Abraham Enloe,	23 43		13 90	37 33
243	Do do	23 43		12 52	35 95
244	Asaph Enloe,	39 37		23 53	62 90
245	Do do	39 37		21 19	60 56
246	do do	63 84	63 84	12 62	12 62
247	do do	127 69		77 24	204 93
248	do do	127 69		69 56	197 25
249	Rebort Ensley,	18 93	18 83	4 04	4 14
250	Do do	18 93		11 49	30 42
251	do do	18 93		10 35	29 28
252	Thomas Gribble,	60 12	7 79	32 71	85 04
253	Hugh Gibbs,	112 50	127	32 80	18 30
254	John Gribble,	85	5 45	46 34	125 89
255	John Hyde,	43 87	20 43	18 53	41 97
256	Do do	43 87		26 57	70 44
257	do do	43 87		23 93	67 80
258	Jeremiah Harrison,	43 12	4 96	23 36	61 52
259	Elijah Johnson,	39 65	18 97	14	34 68
260	Do do	39 65		24 18	63 83

		8		
261	Elijah Johnson,	39 65		21 78
262	Thomas Kinsey,	25 25	7 50	15 09
263	John B Love,	42	30	27 94
264	do do	42		25 41
265	do do	42		22 89
266	Peter Ledford,	27 50	19 10	9 03
267	do do	27 50		16 92
268	do do	27 50		15 24
269	James R. Love,	30		21 75
270	do do	60		39 90
271	do do	60		36 30
272	do do	60		32 70
273	do do	27 62		20 20
274	do do	55 25		36 57
275	do do	55 25		33 27
276	do do	55 25		29 97
277	John Moore,	39 12	40	28 25
278	do do	78 25		57 19
279	do do	78 25		51 87
280	do do	78 25		42 51
281	Jacob L. Moore,	46 25	17 20	28 07
282	do do	46 25		25 05
283	William Mason,	24	14 52	12 01
284	Joseph Miller,	66	2 36	35 95
285	Turner B. Moore,	18 87		13 77
286	do do	37 75		25 25
287	do do	37 75		22 97
288	do do	37 75		20 69
289	John Murray,	37 50	35 90	22 66
290	do do	37 50		20 44
291	Jonathan Osborne,	145		87 72
292	do do	145		79 02
293	Araham Picklerimer,	31 31	42 18	13 53
294	do do	31 31		16 89
295	William Parker, jr.	19 13		12 71
296	do do	19 13		11 57
297	do do	19 13		10 43
298	John J. Posey,	86 62	24 89	50 18
299	do do	86 62		52 35
300	do do	86 62		47 15
301	James Poteet,	165 50	155 24	45 96
302	do do	165 50		100 06
303	do do	165 50		90 13
304	Thomas W. P. Poindexter,	20 17		13 27
305	do do	20 17		12 07
306	do do	20 17		10 87
307	Jeremiah R. Pace,	41 91	13 04	24 97
308	do do	41 91		25 36
309	do do	41 91		22 84
310	Eli Ritchey,	52 87	42 88	28 66
311	Wm. Rogers,	27 37	18 88	7 25
312	do do	27 37		14 71
313	John Stevenson,	56 25		37 31
314	do do	112 50		74 73
315	do do	112 50		67 98
316	do do	112 50		61 23

		9			
317	Enos Shield,	19 87	10 26	7 40	17 01
318	Do do	16 50	5	12 2	23 77
319	do do	33		19 9	52 91
320	do do	33		17 93	50 93
321	do do	30 75	12 60	16 80	34 98
322	do do	61 50		40 70	102 20
323	do do	61 50		37 11	98 61
324	do do	61 50		33 42	94 92
325	Joseph Shepherd,	25		16 62	41 62
326	Do do	25		15 12	40 12
327	do do	25		13 62	38 62
328	Jacob Siler,	30		19 95	49 95
329	Do do	30		18 15	48 15
330	do do	30		16 35	46 35
331	Thomas Shepherd,	16 12		11 60	27 72
332	Do do	32 25		21 28	53 53
333	do do	32 25		19 36	51 61
334	do do	32 25		17 44	49 69
335	do do	38 87	38 87	14 51	14 51
336	do do	77 75	77 75	21 95	21 95
337	do do	77 75	77 75	15 01	15 01
338	do do	77 75	77 75	8 37	8 37
339	do do	25 31	25 31	9 10	9 10
340	do do	50 62		27 79	78 41
341	do do	50 62	35 36	17 08	32 34
342	do do	50 62	50 62	13 99	13 99
343	Nathan Thompson,	62 62	44 62	33 23	50 23
344	Do do	125 25		83 01	208 26
345	do do	125 25		75 51	200 76
346	do do	125 25		67 01	192 26
347	John Tatham,	26 50		16 03	42 53
348	Do do	26 50		14 44	40 94
349	Richard Wilson,	19 12	6 71	8 62	21 03
350	Do do	19 12		11 44	30 56
351	do do	19 12		10 30	29 42
352	John Wike,	90 25	7 87	58 68	141 06
353	Do do	90 25		54 55	144 80
354	do do	90 25		49 14	139 39
355	William Welch,	10 12	12	2 22	35
356	Do do	20 25		13 41	33 66
357	do do	20 25		12 21	32 46
358	do do	20 25		10 99	31 24
359	do do	21 18		15 33	36 51
360	do do	42 37		28 13	70 50
361	do do	42 37		25 59	67 96
362	do do	42 37		23 05	65 42
363	Moses Whiteside,	80	40	26 78	66 78
364	Do do	80		48 37	128 37
365	do do	80		43 57	123 57
366	Joseph Welch,	28 12		20 26	48 38
367	Do do	56 25		37 27	93 52
368	do do	56 25		33 90	90 15
369	do do	56 25		30 53	86 78
370	Andrew Welch,	10 12		7 23	17 35
371	Do do	20 25		13 35	33 36

372	Andrew Welch,	20 25		12 17	32 42
373	Do do	20 25		10 96	31 21
374	Joseph Young,	30		21 75	51 75
375	Do do	60		32 70	92 70
376	do do	60		39 90	99 90
377	do do	60		36 30	96 30

SALES OF 1823.

378	Martin Angel,	44 75	6 75	24 34	62 34
379	Do do	44 75		22	66 75
380	Austin Banister,	22 25		12 21	34 46
381	Do do	22 25		10 88	33 13
382	Alexander Crisp,	18 75	8 28	9 48	19 95
383	Do do	18 75		10 38	29 13
384	Do do	18 75		9 25	28
385	Jonathan Coward,	152 50	104 21	75 85	114 14
386	James Connelly,	15 94		7 86	23 80
387	George Dickey,	18 75	18 75	2 10	2 10
388	Do do	37 50		22 91	60 41
389	do do	37 50		20 66	58 16
390	do do	37 50		18 41	55 91
391	Asaph Enloe,	14	14	1 57	1 57
392	Do do	28		15 43	43 43
393	do do	28		13 75	41 75
394	Robert Fox,	12 50		7 63	20 13
395	Do do	12 50		6 88	19 38
396	do do	12 50		6 13	18 63
397	Samuel Gibson,	20 50	20	2 60	3 10
398	Do do	20 50		11 33	31 83
399	do do	20 50		10 13	30 63
400	John Hooper,	22 75	25 73	10 52	7 54
401	Do do	22 75		11 21	33 96
402	Clemmons Hooper,	13 75	7 71	3 73	9 77
403	Do do	13 75		7 61	21 36
404	do do	13 75		6 78	20 52
405	James Hooper,	64	38 08	26 09	52 01
406	Do do	64		35 26	99 26
407	do do	64		31 42	95 42
408	John Hyde	14 94	12 53	9 15	11 56
409	Do do	14 94		8 25	23 19
410	do do	14 94		7 35	22 29
411	David Lard,	31 87	26	7	12 87
412	Do do	31 87	12	12 83	32 70
413	do do	31 87		15 63	47 50
414	James R. Love,	19	10 12	7 20	16 08
415	Do do	19		9 32	28 32
416	John P. Moore,	7 25		4 37	11 62
417	Do do	14 50	7 44	4 40	11 46
418	do do	14 50		8 05	22 55
419	do do	14 50		7 18	21 68
420	John Mason,	63 50	14 47	41 54	90 57
421	Do do	63 50		34 95	98 45
422	do do	63 50		31 14	94 64
423	Gideon Morton,	19	10 45	8 19	16 74
424	Do do	19		9 32	28 32
425	John J. Posey,	30 50		14 96	45 96

426	William Parker,	16 32		9 98	26 30
427	Do do	16 32		9	25 32
428	do do	16 32		8 02	24 34
429	Ed. L Poindexter,	15		9 23	24 23
430	Do do	15		8 33	23 33
431	do do	15		7 43	22 43
432	William Parker,	220		47 63	267 63
433	Nathan Thompson,	17	4 98	8 33	20 35
434	Do do	17		9 36	26 36
435	do do	17		8 34	25 34
436	do do	12 50		8 38	20 88
437	do do	25		15 27	40 27
438	do do	25		13 77	38 77
439	do do	25		12 27	37 27
440	Henry Wilson,	13	10	6 34	9 34

RECAPITULATION.

Aggregate amount of principal,	\$35,343 91
Deduct aggregate amount of payments,	7,497 92
Aggregate amount of principal now due,	\$27,845 99
" amount of interest,	21,351 78
" amount of principal and interest now due,	\$49,197 77
" amount of the principal of the bonds given for the sales of the Cherokee lands,	\$104,622 63
Deduct amount of principal now due,	27,845 99
Amount of principal paid, exclusive of interest,	\$76,876 64
Aggregate amount of the several sales of the Cherokee lands,	\$119,545 13
Amount of the 1st instalment of one eighth, paid at the time of the sales,	14,922 50
" of amount of principal paid since the sales,	76,776 64
" of principal now due,	27,845 99
	<u>\$119,545 13</u>

From the best information which it has been in the power of the public treasurer to obtain, it is believed that out of the foregoing bonds, thirteen only amounting to the sum of six hundred and three dollars and seventeen cents, are totally insolvent; some others are considered doubtful—but in no case (as the public treasurer has been assured) is the security of the debt endangered: as in every instance the lands are deemed to be worth as much or more than the amount of the respective debts now due. In a few instances, the original purchasers have transferred their lands, and left the State—but in none, within the information of this department, has any of the lands been entirely abandoned, or permitted to run to waste.

Under the acts of the General Assembly, passed in the years 1825 and 1829, on the subject of the Cherokee lands, a remission of interest to a given period is authorised to be made by the public treasurer in all cases where it may be shewn that the lands purchased have been materially interfered with by Indian reservations, recognized as valid by the commissioners appointed to purchase them.—It is known that some of the bonds mentioned in the foregoing statement, are entitled to a remission of interest, and probably there may be others; but as the practice of the Treasury Department has been to make the allowance of interest at the time the bonds are settled and paid, it is impossible at present to ascertain the amount of interest, to a remission of which they are entitled, as all the claims under the acts of assembly referred to have not been adjudicated: It was deemed most proper, therefore, to report the amount which appeared to be due, without reference to the question of drawback for interest.

All which is respectfully submitted.

SAM'L F. PATTERSON, *Pub. Treasurer.*

*Treasury Department,
December 15th, 1835.*

[No. 1.]

LEGISLATURE OF NORTH CAROLINA.

MESSAGE

Of the Governor of North Carolina, to the General Assembly of the State, at the commencement of the Session, November 22, 1836.

**TO THE GENERAL ASSEMBLY OF THE STATE OF
NORTH CAROLINA.**

GENTLEMEN:

In meeting you, it is a subject of gratulation to state, that though the productions of the soil have not been so abundant as in former years, yet the increased value of the fruits of agriculture afford such ample remuneration to labor, as to give unexampled prosperity to the country, and to stimulate the enterprise of our citizens. To you, the first Legislature convened under the amended Constitution, the expression of satisfaction at the termination of the agitating question, which had heretofore disturbed our councils and made us a divided people, is both just and proper. It is hoped that with the adjustment of the question of the ratio of representation, all the differences, antipathies, and dislikes, if not hatred, arising from its agitation, will terminate. It would, perhaps, be too sanguine in us to expect that, in a short space of time, the feelings which years had produced, would be obliterated. It would show a want of experience, a want of knowledge of the human passions, to entertain the expectation, that hatred or dislike could immediately be succeeded by love and affection.—Years may roll round, and it may be that this generation will have to pass away, before those differences and feelings will be as things that have been—belonging not to the present, but the past history of

the State. Though it is expected you will reflect the feelings of your constituents, yet by your example and conduct you can act upon them. To you therefore is directed the attention of the citizens of the State; and upon you, in a considerable degree, depends whether the hopes of the patriot be gratified, or his fears realized.

In making this, my first communication to you, I must call your attention, as of primary importance, to our judiciary system. That it has defects, no one can deny. Some, if not all, of the circuits are too large, requiring great mental and bodily labor in the Judges holding the courts, and allowing too little time to do the business before those tribunals. The convenience of the people and a regard to justice, require that some alterations should be made—whether a new arrangement of those now existing, or the establishment of one or more additional circuits would remedy the evil, is for you to determine. As referring to this subject I transmit herewith the memorial of a committee of the members of the bar of the 6th judicial circuit (marked A.) addressed to the Legislature. The memorial was sent to me with a request that I would lay it before you.

In the execution of the criminal laws, especially in reference to the highest crimes, the delay generally is such as almost to destroy some of the effects intended by their enforcement. So great a length of time elapses between the commission of the crime, even if the party be immediately apprehended, and the punishment, that the abhorrence first felt at its commission, is lost in commiseration of the sufferings, real or supposed, of the criminal. Pity for the offender lessens the enormity of the offence, and palliates the guilt of the individual—the law is looked upon as harsh and severe, and the person undergoing its sentence is considered the victim of its severity and not a proper sacrifice for the good of society. Thus at the same time is diminished respect for the law, and aversion to crime. Delay renders punishment uncertain, affording more chances in escaping the penalty of the law. The punishment ought to be speedy and certain in proportion to the offence, giving the accused proper time and means for his defence. Its object is not only to correct the offender, or cut him off as a bad member of the community, but in almost every instance, to deter others from the commission of crime. The more speedy and certain, therefore, the greater will be the effect produced. These re-

marks are made to direct more particularly your attention to what I consider a growing evil, that you may, if you take the same view of the subject, which is presented to me, apply the proper remedy.

In conformity with the requisitions of the Constitution, the General Assembly in 1825, passed the act creating the literary fund, and providing for its accumulation. That fund now consists of 1942 shares of the capital stock of the Bank of the State of North Carolina, 500 shares of that of the Bank of Cape Fear, 141 shares Bank of Newbern, and 283 shares in the State Bank of North Carolina. The par value of the two first descriptions of stocks would be \$199,200, but as both of these stocks are above par, selling at a premium, the first at a high one, their value may be fairly estimated at the sum of \$39,000 more, say \$238,200, which, with the cash on hand, amounting to \$3,845.09 makes \$242,045.09. The value of the two latter stocks can not be properly estimated, it depending upon what claims may still exist against those institutions. The advantages of education, and the benefits resulting from its general diffusion among the people, it would be unnecessary for me to press upon the consideration of an enlightened Legislature. It is for you to determine, whether in order to obtain the objects intended by the creation of the fund, at as early a period as practicable, without encroaching upon the principal, you will provide for its increase by the appropriation of other means. These suggestions are made that the matter may receive your mature deliberation, and the people, experience those great benefits at an early day, which the wisdom of our fathers ordained they should enjoy.

The fund for Internal Improvement amounts to \$37,417.89, cash on hand, besides outstanding bonds and dividends on Bank stock heretofore appropriated to that object, which will be increased by the proceeds of the late sale of the Cherokee lands, surveyed and not sold at former sales. The amount of the sales will be communicated to you as soon as the report of the Commissioner is received. The fund is now too small to be applied to any work of magnitude. If it should be the intention of the Legislature to engage the State in any work of importance, it will become necessary to provide for its increase. If it should be your determination to engage the State in a system of Internal Improvement, I would recommend that the operations should be commenced at such points and in such manner as to render availa-

ble and useful, whatever work should be done; not like former expenditures from the fund, a very large portion of which was so expended as to be neither beneficial to the community nor any part of it. In making this remark, I do not mean to pass a sentence of universal condemnation, for I believe many useful roads, if not other works, have been constructed, although a very great portion of the money has been most unprofitably spent.

At the Treasury Department of the State, during the last fiscal year, there has been received from all sources, the sum of \$586,416, 24, viz: from the loan effected under the provisions of an act passed at the last Session of the General Assembly, \$400,000, from taxes \$71, 382.85, & from Bank dividends, &c. \$115,033. 59. The disbursements for the same period, including the payments for Bank Stock, amounted to \$589,086, 62; making a deficiency of \$2,670.38. For several years the disbursements have been more than the receipts. This has arisen, it is believed, from the want of a proper assessment of lands in the State. The present mode of valuation, operates most unequally, the conscientious paying their full quota, if not more, while the less scrupulous evade the payment of their just proportion of the tax. That part of the revenue system relating to the assessment of lands requires amendment, and I recommend it to your consideration. By a proper assessment, it is probable, at the present rate of tax, the revenue from that source would be increased at least fifty per centum. It is the duty of the Legislature, in imposing any tax upon the people, to cause its operation to be just and equitable on all.

The act of 1827, regulating the Treasury Department of this State, needs some modification. The penalty of the bond required by the act, is so great as almost to prevent any person from becoming Public Treasurer, unless possessed of wealth himself, or having friends and connexions very wealthy. The object of the great penalty is, no doubt, to secure the funds of the State. It is submitted, that a diminution in the amount of the penalty of the bond, could be made without jeopardizing the interest of the State. New guards might be placed around the Treasury. The time required by the act (fifteen days) for the person elected to give bond, is too short. Any casualty might prevent its being done within the time; and the individual without any fault, incur the forfeiture prescribed by the act.

and the public be put to considerable inconvenience. By increasing the time, or allowing some discretion in the persons authorised to receive the bond, to judge of the sufficiency of the excuse for the delay, the inconvenience might be obviated. I would recommend the first measure, because, in my opinion, as little discretion should be given to public functionaries, as is compatible with the interest of the State.

The condition of the militia of the State, earnestly demands the attention of the Legislature. Upon that force, in case of invasion or insurrection, will, in a great measure, depend the welfare and safety of the State. Without discipline and proper organization, what would be expected from it in the hour of peril? A thorough reform of the system is required. Under the provisions of the Constitution, until lately amended, the appointment of all general and field officers belonged to the General Assembly. By the amendment, the power to pass laws regulating the mode of appointing and removing militia officers, is given to the Legislature. It becomes necessary to carry into execution that amendment—that you should legislate upon the subject. Your speedy action may be required. By an act of Congress, the President of the United States is authorised to accept volunteers, who may offer their services; and it is provided that the officers shall be appointed in the manner prescribed by the laws of the several States and territories, to which the companies, battalions, squadrons, regiments, &c. respectively belong. If a call should be made upon the State for volunteers, there is no provision by which the officers could be appointed.

Since the close of the last session of the General Assembly, a treaty has been concluded with the Cherokee Indians; by which their title to the territory now in their occupancy, has been extinguished. A part of which territory, is the domain and property of this State. A copy of the the treaty (marked B.) accompanies this communication.

The Congress of the United States, at its last session, passed an act, entitled "an act to regulate the deposits of the public money," which was approved by the President of the United States, June 23d, 1836. This act stipulates that a portion of the treasure of the United States shall be deposited with the States. Congress certainly possesses the power to provide for the safe-keeping of the public money;

and as the language and the title of the act only provide for such purpose it is constitutional. But if it is the intention of the act, as it is avowed to be, by some of those most active in procuring its enactment, to distribute gratuitously the money, it would be unconstitutional, there being no power given to Congress, to make donations of the funds of the federal government; or otherwise to dispose of them, than to carry into execution some other power granted. It would be uncharitable in us to suppose that Congress, under pretence of executing a Constitutional power, intended a direct violation of the instrument to which it owes its existence. We must, therefore, consider the act as being what it purports to be. The 13th section of the act requires the Secretary of the Treasury Department, at the times therein mentioned, to deposite with the States, the money of the Federal Government, the faith of the States being pledged for its return. The General Assembly will have to determine whether the deposite will be received; and if received, appoint some person to receive it, and provide for its safe-keeping. If you receive it, it would be your duty, in order to perform what integrity and prudence require, to make such disposition of it, as would enable the State to return it whenever demanded. The investment of the money, upon unquestionable security, would not only provide for its safety and return when demanded, but would enable the State to use the interest accruing from it, either for the purpose of diffusing education among the people, or to some other object. A copy of the act (marked C.) is sent herewith.

The act of Congress of 1833, the result of a compromise between Nullification and a Protecting Tariff, has produced a state of things heretofore unknown in the annals of Government so much revenue that Government cannot dispose of it, embarrassing both to it and the people. The proper remedy is to reduce the tariff to the wants of the Government; this will prevent a recurrence of the evil. Let it not be said it is a compromise, and ought not to be touched. Did the people authorize the compromise? It is but an act of Congress, which, like all others, can be altered or repealed by the legislative power.— When it exacts from the people more than is required for the expenses of the Government shall it not be altered? Shall it still remain, to take from the earnings of their labor, to heap up a treasure hereafter to be squandered and thrown away or used to corrupt them? or shall

it be so modified by their Representatives, as to adapt it to the legitimate expenses of the government? The latter is the Republican doctrine, and held as an axiom in every community where the interest of the people is consulted.

Under an act of the last session, being apprized of the death of one of the members of the Senate, I issued writs of election. Not because I was satisfied that the law was valid, but knowing there was a tribunal before whom the question might be settled, I preferred acting, and leaving to that tribunal its decision.

Before the Constitution was amended, the only mode of supplying vacancies, in either house, was by writs of election issued by the direction of the house. A recent amendment to the Constitution declares that writs may be issued by the Governor under such regulations as may be prescribed by law, to fill vacancies occurring before the meeting of the General Assembly. By the ordinance providing for the ratification of the amendments, it is declared that they shall, if ratified, take effect and be in force from and after the 1st of January 1836. The Legislature that passed the Act adjourned in December last, before the amendment had taken effect, and while each house was the only authority to order writs of election.

The agent, authorized to settle the claims of the State against the United States, for expenditures made during the last war with Great Britain, having reported that the claims could not be settled without an act of Congress, I requested our Senators and Representatives to bring the subject before that body. It has been submitted to its consideration, but no decision has as yet been obtained. I have according to the instructions of the General Assembly sent the Reports as directed by the resolutions, and I have received from Massachusetts three copies of the Revised Statutes of that State, and from Kentucky copies of Dana's reports in two volumes, and Ritte's digest of that State, two volumes.

The dredging machine has been sold under the authority of the resolution passed at the last Session, and the nett amount, eighty seven dollars and sixty-five cents, after payment of claims, presented to me, was placed in the Treasury. The accounts of sale, and claims and expenses, are herewith submitted, marked D.

I herewith send communications received from the States of South

Carolina, Georgia, Virginia, New-York, Alabama, Maine, Massachusetts, Kentucky, Connecticut, Mississippi, and Ohio, on the subject of Incendiary publications, Abolition, Slavery, &c. in file marked E. I also send resolutions of the Legislatures of the following States, viz: Maine and Ohio, relative to the election of President and Vice President of the United States, (marked F.) New Jersey approving the President's course towards France, (marked G.) Pennsylvania relative to the public lands (marked H.) Georgia and Indiana, relative to the Cincinnati Rail Road, (marked I.)

Since the close of the last Session of the General Assembly, I have received the resignation of William J. Alexander Esq. as Solicitor of the sixth Judicial Circuit, and Louis D. Henry Esq. as a member of the Council of State. The resignations accompany this communication.

File marked K. contains the resignations of Justices of the Peace, and Militia Officers.

From the State of Vermont, I have received a map of that State, which, though sent some time since, only reached the Executive Office during the last summer. I have received from the Secretary of State of the United States, one set of public documents, for the Executive Office, one set for the University, and two sets for the the Legislature, on whom rests the disposal of them.

The proceedings had under the act authorizing the loan, and the resolution authorizing the sale of the Cherokee lands, surveyed and unsold, will be hereafter made in separate communications; and such other matter as it may be required to place before the General Assembly, shall be communicated.

Respectfully your obedient servant,

RICHARD D. SPAIGHT.

Executive Department,
November 23d, 1836. }

RULES OF ORDER
FOR
THE GOVERNMENT
OF
THE GENERAL ASSEMBLY
OF
NORTH CAROLINA:
TO WHICH ARE PREFIXED
THE CONSTITUTIONS
OF
NORTH CAROLINA
AND OF
THE UNITED STATES.

RALEIGH:

PHILO WHITE, PRINTER TO THE STATE.

.....

1836.

THOMAS LORING, PRINTER.

.....

1836

THE GENERAL ASSEMBLY
OF
THE GOVERNMENT

NORTH CAROLINA

TO WHICH ARE ANNEXED

THE CONSTITUTIONS

OF

NORTH CAROLINA

AND OF

THE UNITED STATES

HARRIS:

PRINTED AT THE PRESS OF

1836

THE DECLARATION OF RIGHTS.



At a CONGRESS of the Representatives of the Freemen of the State of NORTH CAROLINA, assembled at Halifax, the seventeenth day of December, in the year of our Lord one thousand seven hundred and seventy-six, for the purpose of establishing a CONSTITUTION, or *Form of Government*, for the said State:

A Declaration of Rights made by the Representatives of the Freemen of the State of North Carolina:

Section 1. THAT all political power is vested in and derived from the people only.

Sec. 2. That the people of this State ought to have the sole and exclusive right of regulating the internal government and police thereof.

Sec. 3. That no man or set of men are entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services.

Sec. 4. That the Legislative, Executive, and Supreme Judicial powers of Government, ought to be forever separate and distinct from each other.

Sec. 5. That all power of suspending laws, or the execution of laws, by any authority, without consent of the Representatives of the people, is injurious to their rights, and ought not to be exercised.

Sec. 6. That elections of Members to serve as Representatives in General Assembly, ought to be free.

Sec. 7. That in all criminal prosecutions, every man has a right to be informed of the accusation against him, and to confront the accusers and witnesses with other testimony, and shall not be compelled to give evidence against himself.

Sec. 8. That no freeman shall be put to answer any criminal charge, but by indictment, presentment, or impeachment.

Sec. 9. That no freeman shall be convicted of any crime, but by the unanimous verdict of a Jury, of good and lawful men, in open court, as heretofore used.

Sec. 10. That excessive bail should not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

Sec. 11. That general warrants, whereby any officer or messenger may be commanded to search suspected places, without evidence of the fact committed, or to seize any person or persons not named,

whose offence is not particularly described and supported by evidence, are dangerous to liberty, and ought not to be granted.

Sec. 12. That no freeman ought to be taken, imprisoned or disseized of his freehold, liberties, or privileges, or outlawed or exiled, or in any manner destroyed or deprived of his life, liberty or property, but by the law of the land.

Sec. 13. That every freeman restrained of his liberty, is entitled to a remedy to inquire into the lawfulness thereof, and to remove the same if unlawful, and that such remedy ought not to be denied or delayed.

Sec. 14. That in all controversies at law, respecting property, the ancient mode of trial by jury, is one of the best securities of the rights of the people, and ought to remain sacred and inviolable.

Sec. 15. That the freedom of the Press is one of the great bulwarks of liberty, and therefore ought never to be restrained.

Sec. 16. That the people of this State ought not to be taxed or made subject to the payment of any impost or duty without the consent of themselves or their Representatives in General Assembly, freely given.

Sec. 17. That the people have a right to bear arms for the defence of the State; and, as standing armies in time of peace are dangerous to liberty, they ought not to be kept up; and that the Military should be kept under strict subordination to, and governed by the Civil power.

Sec. 18. That the people have a right to assemble together, to consult for their common good, to instruct their Representatives, and to apply to the Legislature, for redress of grievances.

Sec. 19. That all men have a natural and unalienable right to worship Almighty God according the dictates of their own consciences.

Sec. 20. That for redress of grievances, and for amending and strengthening the laws, Elections ought to be often held.

Sec. 21. That a frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.

Sec. 22. That no hereditary emoluments, privileges or honors, ought to be granted or conferred in this State.

Sec. 23. That perpetuities and monopolies are contrary to the genius of a free State, and ought not to be allowed.

Sec. 24. That retrospective laws, punishing facts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust and incompatible with liberty, wherefore, no *ex post facto* law ought to be made.

Sec. 25. The property of the soil in a free government, being one of the essential rights of the collective body of the people, it is neces-

sary, in order to avoid future disputes, that the limits of the State should be ascertained with precision; and as the former temporary line between *North and South Carolina* was confirmed and extended by Commissioners appointed by the Legislatures of the two States, agreeably to the order of the late King *George the Second*, in Council, that line, and that only, should be esteemed the Southern boundary of this State, as follows: *that is to say*, beginning on the sea side, at a cedar stake, at or near the mouth of *Little River*, being the southern extremity of *Brunswick* county, and running from thence, a north-west course through the boundary house, which stands in thirty-three degrees fifty-six minutes, to thirty-five degrees north Latitude; and from thence a west course, so far as is mentioned in the charter of King *Charles the Second*, to the late proprietors of *Carolina*. Therefore, all the territories, seas, waters and harbors, with their appurtenances, lying between the line above described, and the Southern line of the State of *Virginia*, which begins on the sea shore in thirty-six degrees thirty minutes north latitude, and from thence runs west, agreeably to the said charter of King *Charles*, are the right and property of the people of this State, to be held by them in sovereignty, any partial line without the consent of the Legislature of this State, at any time thereafter directed or laid out, in any wise, notwithstanding. *Provided always*, That this declaration of right shall not prejudice any nation or nations of *Indians*, from enjoying such hunting grounds, as may have been, or hereafter shall be secured to them by any former or future Legislature of this State. *And provided also*, That it shall not be construed so as to prevent the establishment of one or more Governments westward of this State, by consent of the Legislature. *And Provided further*, That nothing herein contained, shall affect the titles or possessions of individuals, holding or claiming, under the laws heretofore in force, or grants heretofore made by the late King *George the Third*, or his predecessors, or the late Lords Proprietors or any of them.

*December the 17th day, A. D. 1776; read the third time,
and ratified in open Congress.*

R. CASWELL, President.

JAMES GREEN, JUN., Secretary.

The Constitution of North Carolina.

The CONSTITUTION OF FORM OF GOVERNMENT, agreed to and resolved upon by the Representatives of the Freemen of the State of North Carolina, elected and chosen for that particular purpose, in Congress assembled, at Halifax, the eighteenth day of December, in the year of our Lord, one thousand seven hundred and seventy-six.

WHEREAS allegiance and protection are in their nature reciprocal, and the one should of right be refused when the other is withdrawn. And whereas *George* the third, King of *Great Britain*, and late Sovereign of the *British American* Colonies, hath not only withdrawn from them his protection, but by an act of the *British* Legislature declared the inhabitants of these States out of the protection of the *British* Crown, and all their property found upon the high seas liable to be seized and confiscated to the uses mentioned in the said act. And the said *George* the third has also sent fleets and armies to prosecute a cruel war against them, for the purpose of reducing the inhabitants of the said colonies to a state of abject slavery. In consequence whereof, all government under the said King within the said colonies, hath ceased, and a total dissolution of government in many of them hath taken place. And whereas the Continental Congress having considered the premises, and other previous violations of the rights of the good people of *America*, have therefore declared that the Thirteen United Colonies are, of right, wholly absolved from all allegiance to the *British* Crown, or any other foreign jurisdiction whatsoever, and that the said Colonies now are and forever shall be, free and independent States: Wherefore, in our present state, in order to prevent anarchy and confusion, it becomes necessary that a government should be established in this State: Therefore, We the Representatives of the Freemen of *North Carolina*, chosen and assembled in Congress for the express purpose of framing a Constitution, under the authority of the people, most conducive to their happiness and prosperity, do declare that a Government for this State shall be established in manner and form following, to wit:

Section 1. That the Legislative authority shall be vested in two distinct branches, both dependent on the people, to wit: a Senate and House of Commons.

Sec. 2. That the Senate shall be composed of Representatives [annually] chosen by ballot, one from each [county] in this State.

Sec. 3. That the House of Commons shall be composed of Representatives [annually] chosen by ballot, [two for each county, and one for each of the towns of Edenton, Newbern, Wilmington, Salisbury, Hillsborough and Halifax.]

Sec. 4. That the Senate and House of Commons, assembled for the purpose of legislation, shall be denominated the General Assembly.

Sec. 5. That each member of the Senate shall have usually resided in the [county] in which he is chosen, for one year immediately preceding his election; and for the same time shall have possessed, and continue to possess, in the [county] which he represents, not less than three hundred acres of land in fee.

Sec. 6. That each member of the House of Commons shall have usually resided in the county in which he is chosen, for one year immediately preceding his election, and for six months shall have possessed, and continue to possess in the county which he represents, not less than one hundred acres of land in fee, or for the term of his own life.

Sec. 7. That all [freemen] of the age of twenty-one years, who have been inhabitants of any one [county] within the State twelve months immediately preceding the day of any election, and possessed of a freehold within the same [county,] of fifty acres of land for six months next before and at the day of election, shall be entitled to vote for a member of the Senate.

Sec. 8. That all [freemen] of the age of twenty-one years, who have been inhabitants of any [county] within this State twelve months immediately preceding the day of any election, and shall have paid public taxes, shall be entitled to vote for members of the House of Commons for the county in which he resides.

Sec. 9. [That all persons possessed of a freehold in any Town in this State, having a right of representation, and also all freemen who have been inhabitants of any such town twelve months next before and at the day of election, and shall have paid public taxes, shall be entitled to vote for a member to represent such Town in the House of Commons. Provided always, That this section shall not entitle any inhabitant of such Town to vote for members of the House of Commons for the county in which he may reside, nor any freeholder in such county, who resides without or beyond the limits of such town, to vote for a member for said Town.]

Sec. 10. That the Senate and House of Commons when met, shall each have power to choose a Speaker and other their officers, be judges of the qualifications and elections of their members, sit upon their own adjournments from day to day, and prepare bills to be passed into laws. The two Houses shall direct writs of elections for sup-

plying intermediate vacancies, and shall also jointly, by ballot, adjourn themselves to any future day and place.

Sec. 11. That all bills shall be read three times in each House before they pass into laws, and be signed by the Speakers of both Houses.

Sec. 12. That every person who shall be chosen a member of the Senate or House of Commons, or appointed to any office or place of trust, before taking his seat, or entering upon the execution of his office, shall take an oath to the State; and all officers shall also take an oath of office.

Sec. 13. That the General Assembly shall, by joint ballot of both Houses, appoint Judges of the Supreme Courts of Law and Equity, Judges of Admiralty, and [Attorney General,] who shall be commissioned by the Governor, and hold their offices during good behavior.

Sec. 14. [That the Senate and House of Commons shall have power to appoint the Generals and Fields Officers of the Militia, and all Officers of the Regular Army of this State.]

Sec. 15. [That the Senate and House of Commons jointly, at their first meeting after each annual election, shall by ballot elect a Governor for one year, who shall not be eligible to that office longer than three years in six successive years:] That no person under thirty years of age, and who has not been a resident in this State above five years, and having in the State a freehold in lands and tenements above the value of one thousand pounds, shall be eligible as Governor.

Sec. 16. That the Senate and House of Commons jointly, at their first meeting after each [annual] election, shall by ballot elect seven persons to be a Council of State for [one year] who shall advise the Governor in the execution of his office; and that four members shall be a quorum; their advice and proceedings shall be entered in a Journal to be kept for that purpose only, and signed by the members present; to any part of which any member present may enter his dissent; and such Journal shall be laid before the General Assembly when called for by them.

Sec. 17. That there shall be a Seal of this State, which shall be kept by the Governor, and used by him as occasion may require, and shall be called the Great Seal of the State of North Carolina, and be affixed to all Grants and Commissions.

Sec. 18. That the Governor for the time being, shall be Captain General and Commander in Chief of the Militia; and in the recess of the General Assembly, shall have power, by and with the advice of the Council of State, to embody the militia for the public safety.

Sec. 19. That the Governor for the time being, shall have power to draw for and apply such sums of money as shall be voted by the General Assembly for the contingencies of Government, and be ac-

countable to them for the same; he also may, by and with the advice of the Council of State, lay embargoes, or prohibit the exportation of any commodity, for any term not exceeding thirty days at any one time, in the recess of the General Assembly, and shall have the power of granting pardons and reprieves, except where the prosecution shall be carried on by the General Assembly, or the law shall otherwise direct; in which case, he may, in the recess, grant a reprieve until the next sitting of the General Assembly; and may exercise all the other Executive powers of Government, limited and restrained as by this Constitution is mentioned, and according to the laws of the State; and on his death, inability, or absence from the State, the Speaker of the Senate for the time being, and in case of his death, inability, or absence from the State, the Speaker of the House of Commons shall exercise the powers of the Governor, after such death, or during such absence or inability of the Governor or Speaker of the Senate, [or until a new nomination is made by the General Assembly.]

Sec. 20. That in every case where any officer, the right of whose appointment is, by this Constitution vested in the General Assembly, shall, during their recess, die, or his office by other means become vacant, the Governor shall have power with the advice of the Council of State, to fill up such vacancy by granting a temporary commission, which shall expire at the end of the next session of the General Assembly.

Sec. 21. That the Governor, Judges of the Supreme Courts of Law and Equity, Judges of Admiralty and Attorney General, shall have adequate salaries during their continuance in office.

Sec. 22. That the General Assembly shall, by joint ballot of both Houses, [annually] appoint a Treasurer or Treasurers for this State.

Sec. 23. That the Governor and other officers offending against the State, by violating any part of this Constitution, mal-administration or corruption, may be prosecuted on the impeachment of the General Assembly, or presentment of the Grand Jury of any Court of Supreme Jurisdiction in this State.

Sec. 24. That the General Assembly shall, by joint ballot of both Houses, [triennially] appoint a Secretary for this State.

Sec. 25. That no persons who heretofore have been or hereafter may be, receivers of the public monies, shall have a seat in either House of General Assembly, or be eligible to any office in this State, until such person shall have fully accounted for and paid into the Treasury, all sums for which they may be accountable and liable.

Sec. 26. That no Treasurer shall have a seat in either the Senate, House of Commons, or Council of State, during his continuance in that office, or before he shall have finally settled his accounts with

the public, for all monies which may be in his hands, at the expiration of his office, belonging to the State, and hath paid the same into the hands of the succeeding Treasurer.

Sec. 27. That no officer in the Regular Army or Navy, in the service and pay of the United States, of this or any other State, or any contractor or agent for supplying such army or Navy with clothing or provisions, shall have a seat in either the Senate, House of Commons, or Council of State, or be eligible thereto; and any member of the Senate, House of Commons, or Council of State, being appointed to and accepting of such office, shall thereby vacate his seat.

Sec. 28. That no member of the Council of State shall have a seat either in the Senate or House of Commons.

Sec. 29. That no Judge of the Supreme Court of Law or Equity, or Judge of Admiralty, shall have a seat in the Senate, House of Commons, or Council of State.

Sec. 30. That no Secretary of this State, Attorney General or Clerk of any Court of Record, shall have a seat in the Senate, House of Commons, or Council of State.

Sec. 31. That no Clergyman, or Preacher of the Gospel, of any denomination, shall be capable of being a member of either the Senate, House of Commons, or Council of State, while he continues in the exercise of the Pastoral function.

Sec. 32. That no person who shall deny the being of God, or the truth of the [Protestant] Religion, or the divine authority either of the Old or New Testament, or who shall hold Religious principles, incompatible with the freedom and safety of the State, shall be capable of holding any office or place of trust or profit in the Civil department, within this State.

Sec. 33. That the Justices of the Peace, within the respective counties in this State, shall in future be recommended to the Governor for the time being by the Representatives in General Assembly, and the Governor shall commission them accordingly: And the Justices, when so commissioned, shall hold their offices during good behavior, and shall not be removed from office by the General Assembly unless for misbehavior, absence, or inability.

Sec. 34. That there shall be no establishment of any one Religious Church or denomination in this State in preference to any other; neither shall any person, on any pretence whatsoever, be compelled to attend any place of worship, contrary to his own faith or judgment; nor be obliged to pay for the purchase of any glebe, or the building of any house of worship, or for the maintenance of any minister or ministry, contrary to what he believes right, or has voluntarily and personally engaged to perform; but all persons shall be at liberty to exercise their own mode of worship: *Provided*, that

nothing herein contained shall be construed to exempt preachers of treasonable or seditious discourses from legal trial and punishment.

Sec. 35. That no person in the State shall hold more than one lucrative office at any one time. *Provided*, That no appointment in the Militia or to the office of a Justice of the Peace, shall be considered as a lucrative office.

Sec. 36. That all Commissions and Grants shall run in the name of the State of North Carolina, and bear test and be signed by the Governor. All writs shall run in the same manner, and bear test and be signed by the Clerks of the respective Courts; Indictments shall conclude, against the peace and dignity of the State.

Sec. 37. That the Delegates for this State to the Continental Congress, while necessary, shall be chosen annually by the General Assembly, by ballot, but may be superseded in the mean time, in the same manner: and no person shall be elected to serve in that capacity for more than three years successively.

Sec. 38. That there shall be a Sheriff, Coroner or Coroners, and Constables in each county within this State.

Sec. 39. That the person of a debtor, where there is not a strong presumption of fraud, shall not be continued in prison after delivering up, *bona fide*, all his estate, real and personal, for the use of his creditors, in such manner as shall be hereafter regulated by law. All prisoners shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident, or presumption great.

Sec. 40. That every foreigner, who comes to settle in this State, having first taken an oath of allegiance to the same, may purchase, or by other just means acquire, hold and transfer land or other real estate; and after one year's residence, shall be deemed a free citizen.

Sec. 41. That a school or schools shall be established by the Legislature for the convenient instruction of youth, with such salaries to the masters, paid by the public, as may enable them to instruct at low prices; and all useful learning shall be duly encouraged and promoted in one or more Universities.

Sec. 42. That no purchase of lands shall be made of the Indian natives, but on behalf of the public, by authority of the General Assembly.

Sec. 43. That the future Legislature of this State shall regulate entails in such manner as to prevent perpetuities.

Sec. 44. That the declaration of rights is hereby declared to be part of the Constitution of this State, and ought never to be violated on any pretence whatever.

Sec. 45. That any member of either House of the General Assembly shall have liberty to dissent from, and protest against any act or resolve which he may think injurious to the public or any individual.

al, and have the reasons of his dissent entered on the Journals.

Sec. 46. That neither House of the General Assembly shall proceed upon public business, unless a majority of all the members of such House are actually present, and that upon a motion made and seconded, the Yeas and Nays upon any question shall be taken and entered on the Journals; and that the Journals of the Proceedings of both Houses of the General Assembly, shall be printed and made made public, immediately after their adjournment.

This Constitution is not intended to preclude the present Congress from making a temporary provision for the well ordering of this State, until the General Assembly shall establish Government agreeably to the mode herein before prescribed.

December the 18th, 1776, read the third time and ratified in open Congress.

R. CASWELL, President.

JAMES GREEN, JUN., Secretary.

AMENDMENTS.

WHEREAS the General Assembly of North Carolina, by an act, passed the sixth day of January, one thousand eight hundred and thirty-five, entitled "An act concerning a Convention to amend the Constitution of the State," and by an act, supplemental thereto, passed on the eighth day of January, one thousand eight hundred and thirty-five, did direct that polls should be opened in every election precinct throughout the State, for the purpose of ascertaining whether it was the will of the freemen of North Carolina that there should be a Convention of Delegates, to consider of certain amendments proposed to be made in the Constitution of said State; and did further direct, that, if a majority of all the votes polled by the freemen of North Carolina should be in favor of holding such Convention, the Governor should, by Proclamation, announce the fact, and thereupon the freemen aforesaid should elect delegates to meet in Convention at the City of Raleigh, on the first Thursday in June, one thousand

eight hundred and thirty-five, to consider of the said amendments: And whereas a majority of the freemen of North Carolina did, by their votes at the polls so opened, declare their will that a Convention should be had to consider of the amendment proposed, and the Governor did, by Proclamation, announce the fact that their will had been so declared, and an election for delegates to meet in Convention as aforesaid was accordingly had: Now, therefore, we the delegates of the good people of North Carolina, having assembled in Convention, at the city of Raleigh, on the first Thursday in June, one thousand eight hundred and thirty-five, and having continued in session from day to day, until the eleventh of July, one thousand eight hundred and thirty-five, for the more deliberate consideration of said amendments, do now submit to the determination of all the qualified voters of the State, the following amendments in the Constitution thereof, that is to say:

ARTICLE I.

SECTION 1.

§ 1. The Senate of this State shall consist of fifty Representatives, biennially chosen by ballot, and to be elected by districts; which districts shall be laid off by the General Assembly, at its first session after the year one thousand eight hundred and forty-one; and afterwards, at its first session after the year one thousand eight hundred and fifty-one; and then every twenty years thereafter, in proportion to the public taxes paid into the Treasury of the State by the citizens thereof; and the average of the public taxes paid by each county into the Treasury of the State, for the five years preceding the laying off of the districts, shall be considered as its proportion of the public taxes, and constitute the basis of apportionment: *Provided*, That no county shall be divided in the formation of a Senatorial district. And when there are one or more counties, having an excess of taxation above the ratio to form a Senatorial district, adjoining a county or counties deficient in such ratio, the excess or excesses aforesaid shall be added to the taxation of the county or counties deficient; and if, with such addition, the county or counties receiving it shall have the requisite ratio, such county and counties each shall constitute a Senatorial district.

§ 2. The House of Commons shall be composed of one hundred and twenty Representatives, biennially chosen by ballot, to be elected by counties according to their federal population, that is, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of

all other persons; and each county shall have at least one member in the House of Commons, although it may not contain the requisite ratio of population.

§ 3. This apportionment shall be made by the General Assembly, at the respective times and periods when the districts for the Senate are herein before directed to be laid off; and the said apportionment shall be made according to an enumeration to be ordered by the General Assembly, or according to the Census which may be taken by order of Congress, next preceding the period of making such apportionment.

§ 4. In making the apportionment in the House of Commons, the ratio of representation shall be ascertained by dividing the amount of Federal population of the State, after deducting that comprehended within those counties which do not severally contain the one hundred and twentieth part of the entire Federal population aforesaid, by the number of Representatives less than the number assigned to the said counties. To each county containing the said ratio, and not twice the said ratio, there shall be assigned one representative; to each county containing twice, but not three times the said ratio, there shall be assigned two Representatives, and so on progressively, and then the remaining Representatives shall be assigned severally to the counties having the largest fractions.

SECTION 2.

§ 1. Until the first Session of the General Assembly which shall be had after the year eighteen hundred and forty-one, the Senate shall be composed of members to be elected from the several districts herein after named, that is to say, the 1st district shall consist of the counties of Perquimons and Pasquotank; the 2d district, of Camden and Currituck; the 3d district, of Gates and Chowan; the 4th district, Washington and Tyrell; the 5th district, Northampton; the 6th district, Hertford; the 7th district, Bertie; the 8th district, Martin; the 9th district, Halifax; the 10th district, Nash; the 11th district, Wake; the 12th district, Franklin; the 13th district, Johnston; the 14th district, Warren; the 15th district, Edgecomb; the 16th district, Wayne; the 17th district, Greene and Lenoir; the 18th district, Pitt; the 19th district, Beaufort and Hyde; the 20th district, Carteret and Jones; the 21st district, Craven; the 22d district, Chatham; the 23d district, Granville; the 24th district, Person; the 25th district, Cumberland; the 26th district, Sampson; the 27th district, New Hanover; the 28th district, Duplin; the 29th district, Onslow; the 30th district, Brunswick, Bladen and Columbus; the 31st district, Robeson and Richmond; the 32d district, Anson; the 33d district, Cabarras; the 34th district, Moore and Montgomery; the 35th district,

Caswell; the 36th district, Rockingham; the 37th district, Orange; the 38th district, Randolph; the 39th district, Guilford; the 40th district, Stokes; the 41st district, Rowan; the 42d district, Davidson; the 43d district, Surry; the 44th district, Wilkes and Ashe; the 45th district, Burke and Yancy; the 46th district Lincoln; the 47th district, Iredell; the 48th district, Rutherford; the 49th district, Buncombe, Haywood and Macon; and the 50th district, Mecklenburg; each district to be entitled to one Senator.

§ 2. Until the first session of the General Assembly after the year eighteen hundred and forty-one, the House of Commons shall be composed of members elected from the Counties in the following manner, viz: The counties of Lincoln and Orange shall elect four members each. The counties of Burke, Chatham, Granville, Guilford, Halifax, Iredell, Mecklenburg, Rowan, Rutherford, Surry, Stokes, and Wake shall elect three members each. The counties of Anson, Beaufort, Bertie, Buncombe, Cumberland, Craven, Caswell, Davidson, Duplin, Edgecomb, Franklin, Johnston, Montgomery, New Hanover, Northampton, Person, Pitt, Randolph, Robeson, Richmond, Rockingham, Sampson, Warren, Wayne and Wilkes shall elect two members each. The counties of Ashe, Bladen, Brunswick, Camden, Columbus, Chowan, Currituck, Carteret, Cabarras, Gates, Greene, Haywood, Hertford, Hyde, Jones, Lenoir, Macon, Moore, Martin, Nash, Onslow, Pasquotank, Perquimons, Tyrrell, Washington and Yancy shall elect one member each.

SECTION 3.

§ 1. Each member of the Senate shall have usually resided in the district for which he is chosen for one year immediately preceding his election, and for the same time shall have possessed and continue to possess in the district which he represents not less than three hundred acres of land in fee.

§ 2. All freemen of the age of twenty-one years, (except as is hereinafter declared) who have been inhabitants of any one district within the State twelve months immediately preceding the day of any election, and possessed of a freehold within the same district of fifty acres of land for six months next before and at the day of election, shall be entitled to vote for a member of the Senate.

§ 3. No free Negro, free mulatto, or free person of mixed blood, descended from negro ancestors to the fourth generation inclusive (though one ancestor of each generation may have been a white person,) shall vote for members of the Senate or House of Commons.

SECTION 4.

§ 1. In the election of all officers whose appointment is conferred

on the General Assembly by the Constitution, the vote shall be *viva voce*.

§ 2. The General Assembly shall have power to pass laws regulating the mode of appointing and removing Militia Officers.

§ 3. The General Assembly shall have power to pass general laws regulating divorce and alimony, but shall not have power to grant a divorce or secure alimony in any individual case.

§ 4. The General Assembly shall not have power to pass any private law, to alter the name of any person, or to legitimate any persons not born in lawful wedlock, or to restore to the rights of citizenship any person convicted of an infamous crime; but shall have power to pass general laws regulating the same.

§ 5. The General Assembly shall not pass any private law, unless it shall be made to appear that thirty days notice of application to pass such law shall have been given, under such directions and in such manner as shall be provided by law.

§ 6. If vacancies shall occur by death, resignation or otherwise, before the meeting of the General Assembly, writs may be issued by the Governor, under such regulations as may be prescribed by law.

§ 7. The General Assembly shall meet biennially, and at each biennial session shall elect, by joint vote of the two Houses, a Secretary of State, Treasurer and Council of State, who shall continue in office for the term of two years.

ARTICLE II.

§ 1. The Governor shall be chosen by the qualified voters for the members of the House of Commons, at such time and places as members of the General Assembly are elected.

§ 2. He shall hold his office for the term of two years from the time of his installation, and until another shall be elected and qualified; but he shall not be eligible more than four years in any term of six years.

§ 3. The returns of every election for Governor shall be sealed up and transmitted to the seat of Government, by the returning officers, directed to the Speaker of the Senate, who shall open and publish them in the presence of a majority of the members of both Houses of the General Assembly. The person having the highest number of votes, shall be Governor; but if two or more shall be equal and highest in votes, one of them shall be chosen Governor by joint vote of both Houses of the General Assembly.

§ 4. Contested elections for Governor shall be determined by both Houses of the General Assembly, in such manner as shall be prescribed by law.

§ 5. The Governor elect shall enter on the duties of the office on the first day of January next after his election, having previously taken the oaths of office in presence of the members of both branches of the General Assembly, or before the Chief Justice of the Supreme Court, who, in case the Governor elect should be prevented from attendance before the General Assembly, by sickness or other unavoidable cause, is authorised to administer the same.

ARTICLE III.

SECTION 1.

§ 1. The Governor, Judges of the Supreme Court, and Judges of the Superior Courts, and all other officers of this State, (except Justices of the Peace and Militia officers,) may be impeached for wilfully violating any Article of the Constitution, mal-administration or corruption.

§ 2. Judgment, in cases of Impeachment, shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust or profit under this State; but the party convicted, may, nevertheless, be liable to indictment, trial, judgment and punishment according to law.

§ 3. The House of Commons shall have the sole power of impeachment. The Senate shall have the sole power to try all impeachments; no person shall be convicted upon any impeachment, unless two-thirds of the Senators present shall concur in such conviction; and before the trial of any impeachment, the members of the Senate shall take an oath or affirmation, truly and impartially to try and determine the charge in question according to evidence.

SECTION 2.

§ 1. Any Judge of the Supreme Court, or of the Superior Courts, may be removed from office for mental or physical inability, upon a concurrent resolution of two-thirds of both branches of the General Assembly. The Judge against whom the Legislature may be about to proceed, shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least twenty days before the day on which either branch of the General Assembly shall act thereon.

§ 2. The salaries of the Judges of the Supreme Court, or of the Superior Courts, shall not be diminished during their continuance in office.

SECTION 3.

§ 1. Upon the conviction of any Justice of the Peace, of any infamous

crime, or of corruption and mal-practice in office, the commission of such Justice shall be thereby vacated, and he shall be forever disqualified from holding such appointment.

SECTION 4.

The General Assembly, at its first session after the year one thousand eight hundred and thirty-nine, and from time to time thereafter, shall appoint an Attorney General, who shall be commissioned by the Governor, and shall hold his office for the term of four years; but if the General Assembly should hereafter extend the term during which Solicitors of the State shall hold their offices, then they shall have power to extend the term of office of the Attorney General to the same period.

ARTICLE IV.

SECTION 1.

§ 1. No Convention of the People shall be called by the General Assembly, unless by the concurrence of two-thirds of all the members of each House of the General Assembly.

§ 2. No part of the Constitution of this State shall be altered, unless a Bill to alter the same shall have been read three times in each House of the General Assembly, and agreed to by three-fifths of the whole number of members of each House respectively; nor shall any alteration take place until the Bill so agreed to shall have been published six months previous to a new election of members to the General Assembly. If, after such publication, the alteration proposed by the preceding General Assembly, shall be agreed to in the first session thereafter by two thirds of the whole representation in each House of the General Assembly, after the same shall have been read three times on three several days in each House, then the said General Assembly shall prescribe a mode by which the Amendment or Amendments may be submitted to the qualified voters of the House of Commons throughout the State; and if, upon comparing the votes given in the whole State, it shall appear that a majority of the voters have approved thereof, then, and not otherwise, the same shall become a part of the Constitution.

SECTION 2.

The thirty-second section of the Constitution shall be amended to read as follows: No person who shall deny the being of God, or the truth of the Christian Religion, or the divine authority of the Old or New Testament, or who shall hold religious principles incompatible with the freedom or safety of the State, shall be capable of holding

any office or place of trust or profit in the civil department within this State.

SECTION 3.

§ 1. Capitation tax shall be equal throughout the State upon all individuals subject to the same.

§ 2. All free males over the age of twenty-one years, and under the age of forty-five years, and all slaves over the age of twelve years, and under the age fifty years, shall be subject to Capitation tax, and no other person shall be subject to such tax; provided that nothing herein contained shall prevent exemptions of taxable polls as heretofore prescribed by law in cases of bodily infirmity.

SECTION 4.

No person who shall hold any office or place of trust or profit under the United States, or any department thereof, or under this State, or any other State or Government, shall hold or exercise any other office or place of trust or profit under the authority of this State, or be eligible to a seat in either House of the General Assembly: Provided, that nothing herein contained shall extend to officers in the Militia or Justices of the Peace.

Ratified in Convention, this eleventh day of July, in the year of our Lord, one thousand eight hundred and thirty-five.

NATHANIEL MACON, President.

EDMUND B. FREEMAN, Secretary of the Convention.

JOSEPH D. WARD, Assistant Secretary.

AN ORDINANCE

TO CARRY INTO EFFECT THE AMENDED CONSTITUTION.

*Be it ordained and declared, by the Delegates to this Convention, in Convention assembled, and it is hereby ordained by the authority of the same, That the Amendments to the Constitution of this State, adopted by this Convention, be submitted by the Governor to the people, on the second Monday in November next, thirty days notice having been given, and that the Polls be opened by the respective Sheriffs, and kept open for three successive days, at the several Election precincts in each and every county in the State, under the same rules and regulations, as now exist, for the election of Members to the General Assembly. That the said Sheriffs be required to compare and certify the results of the elections, on or before the Monday following, and transmit the same in twenty days thereafter, to the Governor of the State. That all persons qualified to vote for members of the House of Commons, may vote for or against a ratification of the Amendments. Those who wish a ratification of the Amendments, voting with a printed or written Ticket, "*Ratification*,"—those of a contrary opinion, "*Rejection*."*

Further, That it shall be the duty of the Sheriffs to make duplicate statements of the polls in their respective counties, sworn to before the Clerk of the County Court; one copy of which shall be deposited in said Clerk's Office, and the other copy transmitted to the Governor of the State, at Raleigh.

Be it further ordained by the authority of the same, That when the returns aforesaid shall have been received, the same shall be opened by the Governor in the presence of the Secretary of State and Treasurer, and in case a majority of the votes polled shall be in favor of a ratification of the Amendments, the same shall be forthwith made known by a Proclamation of the Governor to the people of the State. And thereupon, the Governor shall cause to be endorsed on the amendments, as enrolled by order of the Convention, or shall annex thereunto, a certificate under his signature declaring that the said amendments have been ratified by the people of North Carolina, and the Secretary of State shall countersign the said certificate, and annex thereto the Great Seal of the State, and the said amendments so enrolled with the certificate aforesaid shall be forever kept among the archives of the State in the Office of the Secretary aforesaid.

Be it further ordained by the authority aforesaid, That the amendments thus ratified shall take effect, and be in force, from and

after the first day of January, A. D. one thousand eight hundred and thirty-six: *Provided*, however, that the Governor, the Council of State, the Secretary of State and the Public Treasurer, who may then be in office, shall severally continue to exercise their respective functions until the Governor, Council of State, Secretary of State and Public Treasurer, appointed under the amended Constitution, shall enter upon the duties of their office.

Ratified in Convention, this eleventh day of July, A. D. one thousand eight hundred and thirty five.

NATHANIEL MACON, President.

EDMUND B. FREEMAN, Secretary of the Convention.

JOSEPH D. WARD, Assistant Secretary.

ARTICLE I

SECTION I

All legislative powers herein granted shall be vested in a Congress of the United States; which shall consist of a Senate and House of Representatives.

SECTION 2

The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several States which may be included within this union, according to their respective numbers; which shall be determined by adding to the whole number of free persons (including those bound to service for a term of years, and excluding Indians not taxed) three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States; and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand; but each State shall have at least one Representative: And until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations five, Connecticut five, New York six, New Jersey four, Pennsylvania one, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the representation from any State,

CONSTITUTION of the UNITED STATES.

WE, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I.

SECTION 1.

All legislative powers herein granted, shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION 2.

The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

2. No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several States which may be included within this union, according to their respective numbers; which shall be determined by adding to the whole number of free persons, (including those bound to service for a term of years, and excluding Indians not taxed,) three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand; but each State shall have at least one Representative: And until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

4. When vacancies happen in the representation from any State

the executive authority there of shall issue writs of election to fill such vacancies.

5. The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment.

SECTION 3.

The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years; and each Senator shall have one vote.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year; and of the second class, at the expiration of the fourth year; and of the third class at the expiration of the sixth year; so that one-third may be chosen every second year. And if vacancies happen, by resignation or otherwise, during the recess of the Legislature of any State, the executive thereof may make temporary appointments, until the next meeting of the Legislature, which shall then fill such vacancies.

3. No person shall be a Senator, who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

4. The Vice President of the United States shall be President of the Senate; but shall have no vote, unless they be equally divided.

5. The Senate shall choose their other officers, and also a President pro tempore, in the absence of the Vice President, or when he shall exercise the office of the President of the United States.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no person shall be convicted without the concurrence of two-thirds of the members present.

7. Judgment in cases of impeachment, shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

SECTION 4.

The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may, at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

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2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION 5.

Each House shall be the judge of the elections, returns, and qualifications of its own members; and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each House may provide.

2. Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member.

3. Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either House, on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

4. Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

SECTION 6.

The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall, in all cases exempt treason, felony, and breach of the peace, be privileged from arrest, during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

2. No Senator or Representative shall during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time: and no person holding any office under the United States, shall be a member of either House, during his continuance in office.

SECTION 7.

All bills for raising revenue, shall originate in the House of Representatives; but the Senate may propose, or concur with amendments, as on other bills.

2. Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to

the President of the United States. If he approve, he shall sign it; but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House; by which it shall likewise be reconsidered, and, if approved by two-thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill, shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return; in which case it shall not be a law.

3. Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary, (except on a question of adjournment,) shall be presented to the President of the United States, and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION 8.

The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

2. To borrow money on the credit of the United States.

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

4. To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States.

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures.

6. To provide for the punishment of counterfeiting the securities and current coin of the United States.

7. To establish post offices and post roads.

8. To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors the exclusive right to their respective writings and discoveries.

9. To constitute tribunals, inferior to the Supreme Court, to define and punish piracies and felonies committed on the high seas, and offences against the laws of nations.

10. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

11. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years.

12. To provide and maintain a navy.

13. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

14. To make rules for the government and regulation of the land and naval forces.

15. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.

16. To exercise exclusive legislation, in all cases whatsoever, over such district, (not exceeding ten miles square,) as may, by cession of particular States and the acceptance of Congress, become the seat of the Government of the United States; and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock yards, and other needful buildings; and

17. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution, in the government of the United States, or in any department or officer thereof.

SECTION 9.

The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

2. The privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

3. No bill of attainder or *ex post facto* law shall be passed.

4. No capitation, or other direct tax, shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

5. No tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State, be obliged to enter, clear, or pay duties in another.

6. No money shall be drawn from the Treasury, but in conse-

quence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

7. No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them, shall without the consent of Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign State.

SECTION 10.

No State shall enter into any treaty, alliance, confederation; grant letters of marque and reprisal; coin money, emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts; or grant any title of nobility.

2. No State, shall without the consent of Congress, lay any impost or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the nett produce of all duties and impost, laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress. No State shall without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in a war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

SECTION 1.

The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows:

2. Each State shall appoint in such manner as the Legislature thereof may direct a number of electors, equal to the whole number of Senators and representatives to which the State may be entitled in the Congress, but no senator, or representative, or persons holding an office of trust or profit under the United States, shall be appointed an elector.

3. The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least, shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit, sealed to the seat of government of the United States, directed to the president of the senate. The President of the senate shall, in the presence of the

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senate and house of representatives, open all the certificates, and the votes then shall be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the house of representatives shall immediately choose by ballot one of them for President, and if no person have a majority, then from the five highest on the list, the said house shall in like manner choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States; and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors, shall be the Vice-President. But if there should remain two or more who have equal votes, the senate shall choose from them by ballot the Vice-President.

4. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States,

5. No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident of the United States.

6. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President; and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

7. The President shall, at stated times, receive for his services, a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

8. Before he enters on the execution of his office, he shall take the following oath or affirmation:

9. *"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."*

SECTION 2.

The President shall be commander in chief of the army and navy

of the United States, and of the militia of the several States, when called into the actual service of the United States, he may require the opinion in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers & consuls, judges of the supreme court, and all other officers of the U. States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may by law, vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

SECTION 3.

He shall from time to time give to the Congress information of the State of the Union, and recommend to their consideration such measures as he shall judge necessary, and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

SECTION 4.

The President, Vice President and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

SECTION 1.

The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges both of the supreme and inferior courts, shall hold their offices during good behavior; and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

SECTION 2.

The judicial power shall extend to all cases, in law and equity, a-

rising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority—to all cases affecting ambassadors, other public ministers and consuls—to all cases of admiralty and maritime jurisdiction—to controversies to which the United States shall be a party—to controversies between two or more States—between a State and citizens of another State—between citizens of different States—between citizens of the same State claiming lands under grants of different States—and between a State, or the citizens thereof, and foreign States, citizens or subjects.

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be party, the supreme court shall have original jurisdiction. In all the other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact; with such exceptions, and under such regulations as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crime shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

SECTION 3.

Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV.

SECTION 1.

Full faith and credit shall be given in each State of the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effects thereof.

SECTION 2.

The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

2 A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall on the demand of the Executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

3. No person held to service or labor in one State, under the laws

thereof, escaping into another, shall in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

SECTION 3.

New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress.

2. The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

SECTION 4.

The United States shall guarantee to every State in this Union, a republican form of government, and shall protect each of them against invasion; and on application of the Legislature, or of the Executive, (when the Legislature cannot be convened) against domestic violence.

ARTICLE V.

The Congress whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a Convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by Conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: *Provided*, That no amendment which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

All debts contracted, and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the confederation.

2. This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the Supreme law of the land; and the judges in every State shall be

bound thereby, any thing in the Constitution or laws of any State to the contrary notwithstanding.

3. The Senators and Representatives before mentioned, and the members of the several State Legislatures and all Executive and Judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

The ratification of the Conventions of nine States, shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

DONE in Convention, by the unanimous consent of the States, present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America, the twelfth. In witness whereof, we have hereunto subscribed our names.

GEORGE WASHINGTON,

President, and Deputy from Virginia.

New Hampshire.

John Langdon,
Nicholas Gilman.

Massachusetts.

Nathaniel Gorham,
Rufus King.

Connecticut.

William Samuel Johnson,
Roger Sherman.

New York.

Alexander Hamilton.

New Jersey.

William Livingston,
David Brearly,
William Patterson,
Jonathan Dayton.

Pennsylvania.

Benjamin Franklin,
Thomas Mifflin,
Robert Morris,
George Clymer,
Thomas Fitzsimons,
Jared Ingersoll,
James Wilson,
Gouverneur Morris.

Delaware.

George Read,
Gunning Bedford, jun.

John Dickinson,

Richard Bassett,

Jacob Broom.

Maryland.

James M'Henry,

Daniel of St. Thomas Jenifer,

Daniel Carroll.

Virginia.

John Blair,

James Madison, jun.

North Carolina.

William Blount,

Richard Dobbs Spaight,

Hugh Williamson.

South Carolina.

J. Rutledge,

Charles Cotesworth Pinckney

Charles Pinckney,

Pierce Butler.

Georgia.

William Few,

Abr. Baldwin.

Attest: WILLIAM JACKSON, *Secretary.*

AMENDMENTS to the CONSTITUTION.

ARTICLE I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II.

A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

ARTICLE V.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service, in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case, to be a witness against himself, nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence.

ARTICLE VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.

The enumeration in the constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ARTICLE XI.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

ARTICLE XII.

The electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom at least, shall not

be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of Government of the United States, directed to the President of the Senate; and the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President.

2. The person having the greatest number of votes as Vice President, shall be the Vice President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice President: a quorum for the purpose shall consist of two thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of President, shall be eligible to that of Vice President of the United States.

be an inhabitant of the same State with himself; as they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the Government of the United States directed to the President of the Senate; and the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

2. The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

RULES OF ORDER
FOR THE GOVERNMENT
OF THE SENATE.

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1. When the Speaker takes the chair, each member shall take his seat; and on the appearance of a quorum, the Journal of the preceding day shall be read.

2. After the reading of the Journal of the preceding day, the Senate shall proceed to business in the following order, to wit: 1st the receiving petitions, memorials, pension certificates and papers addressed either to the General Assembly or to the Senate; 2d, the reports of standing committees; 3d, the reports of select committees; 4th, resolutions; 5th, bills; 6th, bills, resolutions, petitions, memorials, messages, pension certificates, and other papers on the table. Then the orders of the day; but motions and messages to elect officers, shall always be in order.

3d. When any member is about to speak in debate or deliver any matter to the House, he shall rise from his seat and respectfully address himself to the Speaker, and shall confine himself to the question under debate, and avoid personality. And when two or more members happen to rise at once, the Speaker shall name the one who is first to speak. No member shall speak oftener than twice on the same question, without leave of the House. And when any member is speaking, he shall not be interrupted by any person, either by speaking or by standing, or passing between him and the Chair.

4. All Bills and Resolutions of a public nature, introduced, shall pass, as a matter of course, the first reading.

5. If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may call to order; in which case the member so called to order shall immediately sit down, unless permitted to explain; and the House shall, if appealed to, decide on the case, but without debate. If there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, and the case require it, he shall be liable to the censure of the House.

6. When a motion is made and seconded, no other motion shall be received, unless it be to amend the main question, to postpone it to

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a day certain, to postpone it indefinitely, to commit it, to let it lie on the table, or to adjourn.

7. Questions may be stated by the Speaker sitting, but shall be put standing. Questions shall be distinctly put in this form: "Senators, as many as are of opinion that (as the case may be) say Aye:" and after the affirmative voice is expressed—"As many as are of a contrary opinion, say No." If the speaker doubt as to the voice of the majority, or a division be called for, the Speaker shall call on those in the affirmative of the question to rise from their seats, and afterwards those in the negative. If the Speaker still doubt, or a count be required, the Speaker shall name two members, one from each side, to tell the number in the affirmative; which being reported, he shall then name two others, one from each side, to tell those in the negative; which being also reported, he shall state the division to the House, and announce its decision. No member, who was without the bar of the Senate when any question was put from the Chair, shall enter his Yea or Nay without leave, unless he shall have been absent on some committee.

8. When any member shall make a motion which is not of course, he shall reduce the same to writing, if required.

9. In all cases of election by the House, the Speaker shall vote; and when on a division, there shall be an equal number of votes, the Speaker shall decide the question. In no other case shall he vote, unless his vote, if given to the minority, will make the division equal; and when an equal division is produced by the Speaker's vote, the question shall be lost.

10. No member shall depart the service of the House without leave, or receive pay as a member for the time he is absent.

11. Petitions, memorials, and other papers addressed to the House shall be presented by the Speaker, or by a member in his place; a brief statement of the contents thereof shall verbally be made by the introducer, and the petition, memorial, or other paper shall not be read, unless so ordered by the House.

21. Resolutions for the appropriation of public money, and all resolutions of a public nature, as well as all bills, shall be read the first time for information; and, upon this reading, shall not be subject to amendment; but may be amended on the second and third reading. And the Clerk shall keep a calender of all such resolutions and bills, with the orders taken on them, for the inspection of the members of the senate.

13. All bills of a public nature, when ready for the second reading, shall be noted to be read at least one day previous thereto; and then shall first be read for information, and afterwards, paragraph by paragraph, and held open for amendment.

14. After a bill has been once rejected, postponed indefinitely, or to a day beyond the session, another of like provisions shall not be introduced during the same session.

15. When a question has been once decided, it shall be in order for any member in the majority to move for a reconsideration thereof on the same or succeeding day, if the bill resolution, or paper, upon which the question has been taken, be in possession of the Senate.

16. The Speaker shall examine and correct the Journal before it is read; he shall have the general directions of the Hall; he shall designate the members who shall compose all committees, except when otherwise ordered; and the select committees of this House shall consist of five members.

17. There shall be appointed by the Speaker, the following committees, viz: a committee of propositions and grievances; a committee of privileges and elections; a committee of claims; a committee on the judiciary; a committee on Internal Improvement; and a committee on Education and the Literary Fund, consisting of seven members each.

18. When the House resolves itself into a Committee of the Whole, the Speaker shall leave the chair, and appoint a Chairman; and when upon any other occasion, the Speaker wishes to leave the chair, he shall appoint a Speaker Pro-tem.

19. When any petition, memorial or other paper addressed to the House, shall have been referred either to one of the standing or select committees, they shall, in their report on the petition, memorial, or other paper, make a statement in writing of the facts embraced in the case so referred.

20. In case of any disturbance or disorderly conduct in the gallery or lobby, the Speaker, or Chairman of the Committee of the Whole House, shall have power to have the same cleared.

21. No person, except members of the House of Commons, Officers and Clerks of the two Houses of the General Assembly, Judges of the Supreme and Superior Courts, officers of the State resident at the seat of government, members of Congress, persons particularly invited by the Speaker, and such gentlemen as have been members of either House of the Legislature, shall be admitted within the Hall of the Senate.

22. Any member dissatisfied with the decision of the Speaker on any question of order, may appeal to the House.

23. When the House adjourns, the members shall keep their seats till the Speaker leaves the chair.

24. On motion of adjournment, the question shall be decided without debate.

25. The rules for the government of the Senate shall not be amen-

ded or altered, without giving at least one day's notice of such amendment or alteration, except by the consent of two-thirds of the members present.

HUGH WADDELL,

Speaker of the Senate.

By Order:

THOMAS G. STONE, Clerk.

17. The Speaker shall examine and correct the Journal before it is read; he shall have the general direction of the Hall; he shall designate the members who shall compose all committees, except when otherwise ordered; and the select committees of this House shall consist of five members.

18. There shall be appointed by the Speaker, the following committees, viz: a committee of propositions and grievances; a committee of privileges and elections; a committee of claims; a committee on the judiciary; a committee on Internal Improvement; and a committee on Education and the Literary Fund, consisting of seven members each.

19. When the House resolves itself into a Committee of the Whole, the Speaker shall leave the chair, and appoint a Chairman; and when upon any other occasion, the Speaker wishes to leave the chair, he shall appoint a Speaker Pro Tem.

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21. In case of any disturbance or disorderly conduct in the gallery or lobby, the Speaker or Chairman of the Committee of the Whole House, shall have power to have the same cleared.

22. No person, except members of the House of Commons, Officers and Clerks of the two Houses of the General Assembly, Judges of the Supreme and Superior Courts, officers of the State residing at the seat of government, members of Congress, persons particularly invited by the Speaker, and such gentlemen as have been members of either House of the Legislature, shall be admitted within the Hall of the Senate.

23. Any member dissatisfied with the decision of the Speaker on any question of order, may appeal to the House.

24. When the House adjourns, the members shall keep their seats till the Speaker leaves the chair.

25. On motion of adjournment, the question shall be decided without debate.

26. The rules for the government of the Senate shall not be applied.

RULES AND ORDER

OF CONDUCTING BUSINESS

IN THE HOUSE OF COMMONS.

Touching the duty of the Speaker.

1. He shall take the Chair every day, precisely at the hour to which the House shall have adjourned, on the preceding day; shall immediately call the members to order, and on the appearance of a quorum, shall cause the Journal of the preceding day to be read.

2. He shall preserve decorum and order; may speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the House by any member; on which appeal, no member shall speak more than once, unless by leave of the House.

3. He shall rise to put a question, but may state it sitting.

4. Questions shall be distinctly put in this form, viz: "As many as are of opinion that, (as the question may be,) say Aye:" and after the affirmative voice is expressed, "As many as are of a contrary opinion, say No." If the Speaker doubt, or a division be called for, the House shall divide: Those in the affirmative of the question, shall rise from their seats; and afterwards those in the negative. If the Speaker still doubt, or a count be required, the Speaker shall name two members, one from each side, to tell the members in the affirmative; which being reported, he shall then name two others, one from each side, to tell those in the negative; which being also reported, he shall rise and state the decision to the House.

5. The Speaker shall examine and correct the Journal before it is read. He shall have a general direction of the Hall. He shall have the right to name any member to perform the duties of the Chair; but such substitution shall not extend beyond an adjournment, except in case of sickness.

6. All committees shall be appointed by the Speaker, unless otherwise specially directed by the House.

7. In all elections, the Speaker shall vote. In other cases, he shall not vote, unless the House be equally divided; or unless his vote, if given to the minority, will make the division equal: in case of such equal division, the question shall be lost.

8. The Speaker shall arrange the orders of the day unless the House shall otherwise direct.

9. All acts, addresses, and joint resolutions, shall be signed by the Speaker; and all writs, warrants and subpoenas issued by order of the House, shall be under his hand and seal, attested by the Clerk.

10. In case of any disturbance or disorderly conduct in the galleries or lobby, the Speaker (or Chairman of the committee of the whole) shall have power to order the same to be cleared.

11. Stenographers wishing to take down the debates, may be admitted by the Speaker, who shall assign such places to them on the floor or elsewhere, to effect their object, as shall not interfere with the convenience of the House.

ORDER OF BUSINESS OF THE DAY.

12. The unfinished business in which the House was engaged at the last preceding adjournment, shall have the preference in the orders of the day; and no motion or any other business shall be received without special leave of the House, until the former is disposed of. All elections by the House, shall be *viva voce*, unless there be but one nominee, in which case appointments may be made on motion.

OF DECORUM AND DEBATE.

13. When any member is about to speak in debate or deliver any matter to the House, he shall rise from his seat and respectfully address himself to the Speaker.

14. If any member in speaking or otherwise transgress the rules of the House, the Speaker shall, or any other member may, call him to order; in which case the member so called to order, shall immediately take his seat, unless permitted to clear a matter of fact or to explain; and the House shall, if appealed to, decide on the case.— If there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, and the case require it, he shall be liable to the censure of the House.

15. When two or more members rise at the same time, the Speaker shall name the member to speak.

16. No member shall speak more than twice on the same question, without leave of the House.

17. Whilst the Speaker is putting any question or addressing the House, no person shall speak, stand up, or walk out or across the House; nor when a member is speaking entertain private discourse, stand up or pass between him and the Chair.

18. No member shall vote on any question, in the event of which, he is immediately and directly interested, or in any case where he was not present when the question was put by the Speaker. Upon

a division and count of the House on any question, no member without the bar shall be counted.

19. Every member who shall be in the House when the question is stated, shall give his vote, unless the House, for special reasons, shall excuse him.

20. When a motion is made and seconded, it shall be stated by the Speaker, or if written, it shall be handed to the Chair, and read aloud by the Clerk, before debated.

21. Every motion shall be reduced to writing, if the Speaker or any two members desire it.

22. After a motion is stated by the Speaker, or read by the Clerk, it shall be deemed to be in possession of the House; but may be withdrawn before a decision or amendment.

23. When a question is under debate, no motion shall be received, but to adjourn, to lay on the table, to postpone indefinitely, to postpone to a day certain, to commit or amend; which several motions shall have precedence in the order they stand arranged; and no motion to lay on the table, to postpone indefinitely, to postpone to a day certain, to commit or amend, being decided, shall be again allowed on the same day and at the same stage of the bill or proposition.

24. A motion to adjourn shall always be in order, except when the House is voting, and shall be decided without debate.

25. When a question is postponed indefinitely, the same shall not be acted upon again during the session.

26. Any member may call for a division of the question, when the same will admit of it; which shall be determined by the Speaker.

27. When a motion has been once made, and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the re-consideration thereof, on the same or succeeding day.

28. When the reading of a paper is called for, which has been read in the House, and the same is objected to by any member, it shall be determined by a vote of the House.

29. Petitions, memorials, and other papers addressed to the House, shall be presented by the Speaker, or by a member in his place; a brief statement of the contents thereof shall verbally be made by the introducer; and shall not be debated or decided on the day of their being first read, unless when the House shall direct otherwise, but shall lie on the table to be taken up in the order they were read.

30. No bill, petition, memorial, or other papers that may be introduced, shall be taken out of the possession of the House, or sent to the Senate until the time for re-consideration shall have elapsed.

31. When the yeas and nays are called for on any question, it shall be on motion before the question is put; and if seconded, the

question shall be decided by yeas and nays; and in taking the yeas and nays, or on a call of the House, the names of the members shall be taken alphabetically.

32. No member shall be called upon for words spoken in the House but on the day they were spoken. Decency of speech shall be observed, and personal reflections carefully avoided.

33. Any twenty members, including the Speaker, shall be authorized to compel the attendance of absent members.

34. No member or officer of the House shall absent himself from the service of the House, without leave, unless from sickness or inability to attend.

35. Any member may excuse himself from serving on any committee at the time of his appointment, if he is a member of two standing committees.

36. If any member shall be necessarily absent on any temporary business of the House, when the vote is taken upon any question, on entering the House, he shall be permitted upon motion to vote.

37. No standing rule or order shall be rescinded, altered, or suspended, without one day's notice given of the motion thereof; and to sustain such motion, two thirds of the House shall be required.

COMMITTEES.

38. Six standing committees shall be appointed at the commencement of the session, viz: A committee on claims; a committee on propositions and grievances; a committee on education; a committee on agriculture; a committee on internal improvement, and a committee on privileges and elections. Each of said committees shall consist of thirteen members, one from each Congressional district, to be appointed by the members from the counties composing said district. In addition to the above standing committees, the Speaker shall appoint another, two members from each Judicial Circuit, to be denominated the committee on private bills.

39. A select standing committee consisting of nine members, shall be appointed at the commencement of the session by the Speaker, and be denominated "the committee on the Judiciary."

40. Select committees shall consist of five members. It shall be the duty of the person first named on any committee to cause the members of the committee to convene when necessary; and when so convened, they shall appoint some one of their number chairman.

41. In forming a committee of the whole House, the Speaker shall leave his chair, and a chairman to preside in committee shall be appointed by the Speaker.

42. Upon bills committed to a committee of the whole House, the bill shall be first read throughout by the clerk, and then again read

and debated by sections, leaving the preamble to be last considered; the body of the bill shall not be defaced or interlined; but all amendments, noting the page and line, shall be duly entered by the clerk on a separate paper, as the same shall be agreed to by the committee, and so reported to the House. After report, the bill shall again be subject to be debated and amended by sections, before a question on its passage be taken.

43. All questions, whether in committee, or in the House, shall be propounded in the order in which they were moved; except that in filling up blanks, the largest sum and longest time shall be first put.

44. The rules of proceedings in the House shall be observed in a committee of the whole House, so far as they may be applicable, except the rule limiting the times of speaking.

45. In a committee of the whole house, a motion that the committee rise, shall always be in order, and shall be decided without debate.

OF BILLS, RESOLUTIONS &c.

46. Every bill shall be introduced by motion for leave or by order of the House on the report of a committee.

47. Every bill shall receive three several readings in the House previous to its passage; and the Speaker shall give notice at each, whether it be the first, second or third. The first reading of a bill shall be for information, and if opposition be made to it, the question shall be, "Shall this bill be rejected?" If no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without a question.

48. Upon the second reading of a bill, the speaker shall state it as ready for commitment or amendment.

49. All bills shall be despatched in order as they were introduced, unless when the House shall direct otherwise; but no public bill shall be twice read on the same day, without the concurrence of two thirds of the members present.

50. All resolutions which may grant money out of the Treasury, shall be treated in all respects in a similar manner with public bills.

51. When a bill is introduced to repeal a public law, or any part thereof, the law, or part intended to be repealed, shall be read at each separate reading of the bill.

52. When a bill has been once rejected, no other upon the same subject shall be introduced again during the session.

53. The Clerk of the House shall be deemed to continue in office until another is appointed.

WILLIAM H. HAYWOOD, Jr.

Speaker of the House of Commons.

By order.

CHARLES MANLY, Clerk.

36.

JOINT RULES FOR BOTH HOUSES.

1. Each House shall perfect and finally act on all bills, resolutions and orders, before the same shall be communicated to the other for its concurrence; and if amended in the House to which it is transmitted, it shall be communicated to the House in which it originated, asking the concurrence of that House in the amendment.

2. In any case of amendment of a bill, resolution or order, agreed to in one House, and dissented to in the other, if either House shall request a conference, and appoint a committee for that purpose, and the other House shall also appoint a committee to confer, each committee shall consist of an equal number, and they shall meet and state to each other the reasons of their respective Houses, for and against the amendment, and confer freely thereon, and make a report in writing to their respective Houses, of the result of their conference.

3. Messages from one House to the other shall be sent by the clerk assistant of each House, unless otherwise ordered.

4. When a message shall be sent from one House to the other, it shall be announced at the door of the House to which it is sent by the door-keeper, and shall be respectfully delivered to the Chair, by the person by whom it may be sent.

5. After a bill shall have passed the House in which it originated, it shall be under the signature of the clerk, and engrossed under his direction and inspection, before it shall be communicated to the other House.

6. After a bill shall have passed both Houses, it shall be duly enrolled, on suitable paper by the engrossing clerks, before it shall be presented for ratification.

7. When bills are enrolled, they shall be carefully examined by a joint committee, of two from the Senate and four from the House of Commons, appointed as a committee for that purpose, whose duty it shall be carefully to compare the enrolment with the engrossed bills, as passed in the two Houses, and to correct any errors that may be discovered in the enrolled bills, and make their report of the said bills to the House.

8. After examination and report, each bill shall be ratified and signed in the respective Houses; first by the Speaker of the House of Commons, and then by the Speaker of the Senate.

9. All orders, resolutions and votes of the two Houses shall be examined, engrossed and signed in the same manner as bills.

10. When a bill or resolution, which shall have passed in one House, is rejected in the other, notice thereof shall be given to the House in which the same may have passed.

11. The committee in each House shall, in all cases, make a statement of facts on which their report is founded; which statement, with all other papers on which any bill or resolution shall be formed, shall be transmitted to the other House.

12. The Committee of Finance shall be joint, consisting of eight members of each House, one to be selected from each of the former judicial districts. The Library Committee shall be a joint standing committee, consisting of three members from each House, appointed by the Speakers thereof, respectively.

13. In all joint committees, the member first named on the committee on the part of the House proposing to raise such committee, shall convene the same; and when met they shall choose their own Chairman.

14. Either House may make a reference to any joint committee, and all reports shall be made to the House ordering such reference.

15. Whenever either House shall order any paper or document to be printed, it shall be printed in octavo form, on good paper, and with fair type, and shall be distributed in the following manner: One copy thereof to each member of the General Assembly, one copy to the clerks of each House for the use thereof, and ten copies shall be deposited in the Public Library.

16. That the foregoing rules shall be permanent joint rules of the Legislature of North Carolina, until altered or amended.

[No. 2.]

Legislature of North Carolina,—1836.

REPORT

THE PUBLIC TREASURER,

ON THE

STATE OF THE FINANCES

OF

NORTH CAROLINA,

Transmitted, according to Act of Assembly, on the 24th November, 1836.

—●●●—
RALEIGH:

THOMAS LORING, PRINTER.

.....
1836

TREASURY DEPARTMENT, {
November 24, 1836.

SIR:

I have the honor herewith to transmit to you, to be laid before the General Assembly, a Report, prepared in obedience to the Act of 1827, entitled "An Act concerning the Public Treasury."

I have the honor to be,

With great respect, Sir,

Your obedient servant,

S. F. PATTERSON.

THE HONORABLE THE SPEAKER
Of the House of Commons.

REPORT.

Treasury Department, }

November 21st, 1836.

To the Honorable the General Assembly of the State of North Carolina :

In obedience to the directions of an act of the General Assembly, passed at the session of 1827, entitled "an act concerning the Public Treasury," the Public Treasurer respectfully submits the following REPORT:

I. Of the Public or Unappropriated Revenue and expenditures.

The balance of cash in the Public Treasury on the 1st day of November, 1834 was	\$68,433 41
The receipts of the ensuing fiscal year, ending on the 31st day of October 1835, amounted to	150,109 56
Making an aggregate of	218,542 97
The disbursements during the same period amt'd. to	171,686 67
Balance 1st November 1835, as reported to the last General Assembly,	46,856 30
The receipts at the Treasury Department, for the last fiscal year, that is from the 31st October 1835 to the 1st November 1836, amount to five hundred and thirty nine thousand, five hundred and fifty nine dollars and ninety four cents (539,559 94) and consist of the following items viz:	
Cash received from the Sheriffs for Public Tax of 1835 being the ordinary Revenue, payable into the Treasury, on the 1st October 1836 and not specifically appropriated,	70,865 64
Cash received from Sheriffs on account of additional returns of taxes (see statement A.)	517 21
Cash received from the Bank of Newbern for dividend of 7 per cent on 1818 shares of the Capital Stock declared in January 1836,	12,726 00
Cash received from the Bank of the State of North Carolina, for dividend of 4 per cent profit on 300 shares of the capital stock, declared in December 1835,	1,200 00
Cash received from the Bank of Cape Fear for dividend of 3½ per cent profit on 10 shares of stock unappropriated, declared 1st January, 1836,	35 00
Cash received from the Bank of the State for dividend No. 1 of 2½ per cent on 921 shares subscribed for 23d March 1836,	2,302 50
Cash received from ditto Dividend, No 2 of 4 per cent on the same shares subscribed as above,	3,684 00
Cash received from ditto for dividend No 3 of 3½ per cent on 1221 shares of stock declared in June 1836,	3,968 25
Cash received from the Bank of Cape Fear, for dividend of four per cent on 10 shares of stock unappropriated declared in June 1836,	40 00

REPORT

4

Cash received from the Bank of the State, for dividend No. 1 of 2½ per cent on 2837 shares of stock subscribed 2d of August 1836,	7,092 50
Cash received from ditto for dividend No. 2 of 4 per cent on the same shares subscribed as above	11,348 00
Cash received from ditto for dividend, No. 3 of 3½ per cent on the same shares subscribed as above,	9,220 25
Cash received from the Buncombe Turnpike Company, for dividend of 11 per cent on the shares owned by the State, declared in October 1835,	550 00
Cash received from ditto for balance of dividend due the State for the year 1835,	400 00
Cash received from Henry H. Cooke, in full for his second bond given for part of the Bushy Branch tract of land,	principal \$200 00
	Interest 23 47
	<hr/> 223 47
Cash received from Miss E. E. Haywood, for rent of Public Lots for the year 1835	10 00
Cash received of Jesse H. Lindsey, being amount overdrawn by him as a member of the last Legislature owing to a mistake in his certificate.	3 00
Cash received from Charles Manly, Treasurer of the University of North Carolina, in compliance with a contract entered into with him by William H. Haywood Jun., commissioner on behalf of the State to negotiate a loan, in obedience to an act of the last General Assembly,	100,000 00
Cash received from the Treasurer of the United States of America, in compliance with a contract entered into with the Secretary of the Treasury of the U. States by Wm. H. Haywood Jun., commissioner on behalf of the State, to negotiate a loan in conformity with the act of last session,	300,000 00
Cash received from the Bank of the State of No. Ca. on loan by virtue of the authority given by resolution of the last General Assembly, and for which a certificate of loan was executed,	10,966 62
Cash received from the Bank of Cape Fear for tax of 25 cents on each share of stock owned by individuals in said Bank for 1835,	797 50
Cash received from the Merchants' Bank of Newbern for tax of 25 cents on each share of stock owned by individuals in said Bank for 1835-6,	562 50
Cash received from the Bank of the State of North Carolina, for tax of 25 cents on each share of Stock owned by individuals in said Bank for 1836	2,250 00
Cash received of the Bank of Cape Fear, for tax of 25 cents on each share of Stock owned by individuals in said Bank for the year 1836,	797 50
	<hr/> 539,559 94
Which, added to the balance before stated, will make the sum of	\$586,416 24

To this sum, add the amount due to the Internal Improvement Fund, on the 1st instant, being for that amount applied to the payment of claims against this Fund, 2,670 38

\$589,086 62

The disbursements at the Treasury, from the public fund, for the same period, that is, from the 31st of October, 1835, to the 1st of November, 1836, amounts to

\$589,086 62

And consists of the following general items, viz:

Cash paid for Stock in the Bank of the State of North Carolina,		\$375,800 00
" " Interest on the deferred payment of ditto.		37,891 86
" " Rebuilding Capitol,		86,443 95
" " General Assembly,		29,645 62
" " Judiciary,		23,441 81
" " Treasury Loan,		10,966 62
" " Executive Department,		2,287 56
" " Treasury do.		2,000 00
" " Department of State,		800 00
" " Comptroller's Department,		1,000 00
" " Adjutant General's Office,		200 00
" " Contingencies,		6,722 31
" " Interest on Treasury Loan,		205 25
" " Public Library,		1,367 66
Convention,	1,511 98	}
Sheriffs for making Convention Returns,	38 40	
" " Pensioners,		920 00
" " Treasury Notes Burnt,		3,356 29
" " Governor's House,		472 39
" " Council of State,		94 20
" " Public Printer,		900 00
" " Congressional Elections,		96 47
" " Sheriffs for Settling Tax,		981 00
" " do. for Comparing Senatorial Polls,		148 75
" " Interest on State Loan,		1,794 50
		\$589,086 62

For a more detailed exhibit of the items composing the foregoing disbursements, the Comptroller's statement usually furnished for the use of the Members of the General Assembly, is respectfully referred to.

II. Of the Literary Fund,

The balance of Cash in the hands of the Public Treasurer as Treasurer of the Literary Fund on the 31st of October, 1835, as reported to the General Assembly of that year was

1,167 08

The receipts at the Treasury Department of Money belonging to this Fund, for the last year, that is, from the 31st day of Oct. 1835, to the 1st day of November, 1836, amount to thirty-two thousand six hundred and forty-two dollars and seventy-one cents, (\$32,642 71) and consist of the following items, viz:

Cash received from sundry auctioneers, for tax on sales at auction,	1,159 06
Cash received for entries of vacant land	5,682 71
Cash received from the Roanoke Navigation Company, for dividend of $1\frac{1}{2}$ per cent. on 500 Shares of Stock appropriated to this fund, declared in November, 1833,	875 00
Ditto for dividend of 1 per cent. declared in Nov. 1834,	500 00
Ditto received from the Bank of the State of North Carolina, for dividend No. 1, of $2\frac{1}{2}$ per cent. on 34 Shares of Stock subscribed, 24th Nov. 1835,	85 00
Ditto received from ditto for dividend No. 2, of 4 per cent. on 1700 Shares of Stock owned by this fund, declared December, 1835,	6,800 00
Ditto received for dividend No. 1, on 100 Shares of Stock subscribed 6th Jan. 1836,	250 00
Ditto received for dividend No. 2, of 4 per cent. on the same Shares,	400 00
Ditto received for dividend No. 1 and 2, on 40 Shares of Stock subscribed for 1st February, 1836,	260 00
Ditto received from the Bank of Cape Fear, for dividend of $3\frac{1}{2}$ per cent. on 704 Shares of Stock appropriated to this fund, declared 1st January, 1836,	2,464 00
Ditto received from ditto, dividend of $3\frac{1}{2}$ per cent. on 50 Shares of Stock owned by this fund, and declared as above,	175 00
Ditto received from ditto, dividend of 4 per cent. on 704 Shares of Stock appropriated to this fund, declared in June, 1836,	2,816 00
Ditto received from ditto, dividend of 4 per cent. on 50 shares of Stock owned by this fund, declared as above,	200 00
Ditto received from the Bank of the State, for dividends Nos. 1, 2, and 3, on 66 Shares subscribed on behalf of this fund, 5th July, 1836,	643 50
Ditto received from ditto, dividends Nos. 1, 2, and 3, on 36 shares, subscribed on behalf of this fund, July 11, 1836,	351 00
Ditto received from the Bank of the State of North Carolina, for dividend of $3\frac{1}{2}$ per cent on 1840 shares owned by this fund, declared in June, 1836,	5,980 00
Ditto received from the Bank of Newbern for dividend of 7 per cent. capital on 141 shares of stock owned by this fund, declared January 4th, 1836,	987 00
Ditto received from the Cape Fear Navigation Company, being a part of dividends No. 12 13 & 14 of \$650 each declared by said company as per account rendered,	417 22
Ditto received from Sheriffs for tax on retailers of spirituous liquors,	2,597 22
	<hr/> 32,642 71

Which added to the balance above stated, make the aggregate sum of \$33,809 79

The disbursements from the Literary Fund during the foregoing period are as follows (viz.)

Cash paid C. Dewey, Cashier of the Bank of the State of North Carolina for 34 shares of stock subscribed for on the 24th November 1835,	3,400 00
Ditto paid for interest on deferred payment of the same,	219 58
Ditto paid C. Dewey Cashier of the Bank of the State, for 100 shares of stock subscribed for 7th January 1836,	10,000 00
Ditto paid interest on the deferred payment of ditto,	716 69
Ditto paid C. Dewey Cashier, for 40 shares of stock subscribed for 1st February 1836,	4,000 00
Ditto paid interest on the deferred payment for ditto,	304 93
Ditto paid C. Dewey Cashier for 66 shares of stock subscribed for the 5th July 1836,	6,600 00
Ditto paid interest on the deferred payment for ditto,	669 67
Ditto paid C. Dewey Cashier, for 36 shares of stock subscribed for 11th July 1836,	3,600 00
Ditto paid interest on the deferred payment of ditto,	368 83
Ditto paid William T. Coleman, Secretary to the board of directors, his salary for the year ending 31st December 1835,	35 00
Ditto paid James Iredell, and William Robards the salary of John K. Campbell Secretary to the board of Directors for the years 1827-1828 per Governor's warrant,	50 00
Making an aggregate amount of	29,964 70

Which deducted from the amount above stated, leaves a balance in the hands of the Public Treasurer, as Treasurer of the Literary Fund on the 1st day of November 1836 of,

3,845 09

3d Of the Fund for Internal Improvement.

The balance of cash in the hands of the Public Treasurer as Treasurer of the fund for Internal Improvement, on the 31st October 1835, as reported to the General Assembly of that year was,

21,249 31

The receipts at the Treasury Department on account of the fund for Internal Improvement for the last year, that is from the 31st of October 1835, to the 1st of November 1836, amount to sixteen thousand one hundred and ninety four dollars and ninety three cents (16,194 93) and consist of the following items, viz.

Cash received from the Bank of Cape Fear, for dividend of $3\frac{1}{2}$ per cent on 1358 shares of stock appropriated to this fund declared January 1st 1836,

4,753 00

Ditto received from ditto, for dividend of 4 per cent on the above shares of stock appropriated to this fund declared in June 1836,

5,432 00

Cash received from Jonathan Philips, chairman of Macon County Court, in full of the first instalment due for the purchase of the balance of the 400 acre tract of Land on which the town of Franklin is located,

275 25

Ditto received from sundry persons on Cherokee bonds, 3,630 70
 Ditto received of John Rutherford Jun. Treasurer of
 the board of Commissioners of the Swannano gap
 Turnpike road, in full of the principal and interest
 of a bond executed by said commissioners in con-
 formity to the provisions of an act of Assembly
 passed at the session of 1829, chapt. 14.
 Principal \$2,000 00
 Interest 16 33
 2,016 33

Ditto received of Governor Spaight, it being the net
 amount of the sale of the Dredging Machine at
 Wilmington, 87 65
 16194 98

Which added to the balance above stated forms an ag-
 gregate amount of \$37,444 24

The disbursements from the the fund for Internal Improvement
 during the same period are as follows viz.
 Cash paid James Wyche Superintendent of public works his sala-
 ry and expenses, 20 35
 Ditto paid William T. Coleman for his services as sec-
 retary to the board the present year, 6 00
 26 35

Leaving a nominal balance in the hands of the Public Treasurer
 as Treasurer of the fund for Internal Improvement on the 1st
 November 1836, of \$37,417 89

From which deduct the amount which has been temporarily ap-
 plied to the purposes of the public fund, 2,670 38

Real balance in the hands of the Public Treasurer 1st Nov. 1836, \$34,747 51

All the disbursements made at the Treasury Department during the year,
 it is believed, are sustained by the proper and appropriate vouchers, which will
 be found on file in the Comptroller's Office.

RECAPITULATION.

The foregoing Statements shew balances of cash on hand, at the close of
 the business of the fiscal year, ending on the 31st of October, 1836, as follows,
 viz:

Amount, as Treasurer of Internal Improvement Fund, \$34,747 51
 Ditto as Treasurer of Literary Fund, 3,845 09
 Making an aggregate amount of \$38,592 60

With which, the Public Treasurer, as Treasurer of the Internal Improve-
 ment and Literary Funds, stands charged on the books of this Department; and
 for which, he is, therefore, accountable, on the 1st day of Nov. 1836.

The foregoing amount is disposed of (as directed by law) in the following
 manner, to wit:

Amount deposited in the Bank of the State of North Carolina, at Raleigh, and
 remaining at the credit of the Public Treasurer, on the 31st
 of October, 1836, \$31,354 88

Ditto in the Bank of Cape Fear, on the same day,	4,879 85
Treasury notes redeemed, and in the vaults of the Treasury, unfit for circulation,	1,368 11
Specie change, and cash in the Treasury,	989 76
	<hr/>
Making a corresponding amount of	\$38,592 60
	<hr/>

One of the first objects which should necessarily engage the attention of the General Assembly is the condition of the Public Revenue. It will therefore be seen on reference to the foregoing statement, that the amount received from the ordinary sources for the last fiscal year, falls short by the sum of eight hundred and seventy five dollars twenty nine cents, of the amount received from the same sources for the preceding year. This apparent decrease however, will be converted into an actual increase of more than that sum, when we take into consideration the fact, that the tax received from gaming tables for the year 1834, has been almost entirely excluded by the prohibitory act of last session from the receipts of 1835.

It will be readily admitted, that the Revenue of the State is a subject of paramount importance—It is not only important when considered as the main spring which gives motion, and imparts energy to all the machinery of government, but it is of vital importance that the sources from which this life blood is drawn, should be pure and incorrupted—that the system adopted for its assessment and collection, should operate impartially upon the whole people; so that all who partake of the blessings and benefits of the government, should be made to contribute a fair and rateable proportion of the means necessary to its support.

Some of the defects and inequalities of the present system have heretofore been pointed out, and it is believed they are too generally known to require repetition, but as the Legislature has convened under a new organization of the fundamental law adopted in part expressly with reference to the subject of taxation, it is deemed to be a peculiarly appropriate period for remedying those defects, and supplying those deficiencies, which the experience of years has made so clearly manifest.

On referring to the tabular part of this report, it will be seen that a resort to the authority given the Public Treasurer, by a resolution of the last session to borrow money on behalf of the State, has been rendered necessary. In the prosecution of the work upon the Capitol and in the discharge of the ordinary expenses of the Government, the funds in the Treasury were entirely exhausted about the middle of May—In the exercise of the authority given me by the resolution referred to, instead of borrowing a specific amount, and placing it to the credit of the Public Treasurer in Bank, to meet the current demands on the Treasury, a portion of which, at least, must have remained for a time inactive, I succeeded in making an arrangement with the Bank of the State, by which the Bank agreed to discharge from time to time as they were presented, all the claims against the Treasury, noting upon each the day on which it was paid, and charging interest only from the respective periods of payment. Thus by adopting a course at once liberal on the part of the Bank, and highly creditable to that Institution, a considerable saving to the State in the way of interest, has been effected—and by this arrangement, also, the State was enabled at the earliest possible period to avail itself of the use of its accruing means, and of applying any portion of its revenue, the moment it was received to the payment of the debt thus incurred—the amount of claims thus paid by the Bank up to the 24th day of June 1836, was ten thousand nine hundred and sixty six dollars sixty two cents, (\$10,966 62.)

at which time the proceeds of the June dividends, due from the Bank of the State, and the Bank of Cape Fear, were applied so far as they would go to its discharge—the same course was continued by the Bank up to the 22d day of September, on which day a sufficient sum having been received from the Sheriffs on account of the ordinary Revenue, the whole amount due the Bank was settled and paid.

Under the act of last session, entitled “an act to provide for the payment of the instalments on the shares reserved to the State in the Capital Stock of the Bank of the State of North Carolina,” I received on the 22d day of March last, from the Commissioner appointed by the Governor to negotiate a loan in behalf of the State, the sum of one hundred thousand dollars, which on the same day I applied to the payment, of the principal and interest of as many shares of the reserved stock as that sum would cover, being nine hundred and twenty one shares; and on the 1st day of August following, I also received from the commissioner aforesaid, the further sum of three hundred thousand dollars, which on the succeeding day was applied to the payment, in part, of the principal and interest of two thousand eight hundred and thirty seven shares subscribed on that day, that being the number wanting, necessary to complete the subscription on the part of the State; and the number also necessary to make up the entire capital of the Bank. The balance due upon the shares thus subscribed amounting to thirteen thousand seven hundred and seventy nine dollars and seventy eight cents, was paid out of the dividends received upon them. For the amount of money thus received, I executed and delivered to the commissioner, four hundred certificates of one thousand dollars each, as required by the 1st and 2d sections of the act of assembly, authorizing the loan. The whole number of shares now belonging to, and held in the name of the State is four thousand and fifty eight, which cost the aggregate sum of four hundred and forty three thousand six hundred and ninety one dollars and eighty six cents, (\$443,691 86.)

The capital stock of the Bank being now wholly subscribed and paid for, it may be said to have gone into fair and full operation, and in order the better to subserve the wants of the community, the capital has been distributed among its several branches and agencies as follows, to wit: to the Branch at Newbern \$200,000; to the Branch at Fayetteville \$250,000; to the Branch at Tarborough \$150,000; to the Branch at Elizabeth City \$150,000; leaving the remaining sum of \$750,000, for the principal Bank at Raleigh, and the agencies at Charlotte, Morganton, Leaksville, Milton, Wilmington and Windsor. This disposition of the capital when taken in connection with the amount and distribution of that of the other banking institutions of the State, it is believed, will afford ample means if properly managed, for carrying on and facilitating to a just extent, the commercial and agricultural pursuits of the community; while the aggregate of the whole will not form an amount sufficient to induce the Banks to incur the risk of excessive issues, in order to find employment for their capital, nor to create among the people an undue spirit of speculation; and at the same time, any depreciation in the value of the circulating medium, always produced by these causes, may be avoided. Should, however, the present amount of Banking Capital within the State, not be deemed sufficient for the actual wants of its citizens, it is respectfully suggested whether it would not be advisable to enlarge the capital of the existing Banks in preference to the incorporation of others.

Since the last annual report from this department, I have continued from time to time, as the means of the Literary fund accumulated, to invest them in the reserved Stock of the Bank of the State, as directed by a resolution adopted by the President and Directors of that fund, in January 1835. Within the period referred to there has been subscribed, in behalf of this Fund, two hundred and seventy six shares, which cost the sum of twenty nine thousand eight hundred and seventy

nine dollars and seventy cents, as will be seen by reference to the disbursements enumerated under the appropriate head—the whole number of shares now belonging to this Fund in the Bank of the State, is nineteen hundred and forty two, the aggregate cost of which, is one hundred and ninety seven thousand seven hundred and sixty seven dollars and thirty three cents. There are likewise belonging to this fund two hundred and eighty two shares of Stock in the State Bank, one hundred and forty one in the Bank of Newbern, and fifty in the Bank of Cape Fear, as also the dividends of three hundred and fifty nine shares, owned by the State in the Bank of Newbern, and seven hundred and four shares in the Bank of Cape Fear, which together with the sum of three thousand eight hundred and forty five dollars and nine cents, uninvested in the Treasury, constitutes the entire amount of means belonging to the Literary Fund at the close of the last fiscal year.

By an act of the General Assembly, passed at the last session, entitled "an Act making it the duty of the Governor to convey to the Justices of Haywood County Court, certain lands therein described," it is made the duty of the Governor to convey to the said Justices in trust for the county of Haywood, all the Cherokee lands remaining unsold within the said county, whenever the Justices thereof shall execute and deliver to the Public Treasurer, bonds with securities, to be approved by him, for such sum as the said lands may be ascertained to come to, at the prices prescribed by law, as the minimum prices for lands of the quality that the said lands were apportioned to be, by the commissioners by whom the same were surveyed, and that the bonds so executed shall be payable in four equal annual instalments—under the provisions of this act, four several bonds, bearing date the 13th day of August 1836, for the sum of eleven hundred and thirty three dollars and six and a fourth cents each, have been executed as required by the Act, by the Justices aforesaid, and are now on file in this Department.

It will be observed, on examining the disbursements made from the Public Fund, during the last fiscal year, that they have exceeded the receipts of that fund, by the sum of two thousand six hundred and seventy dollars and thirty-eight cents, (\$2,670 38) to supply which deficiency, recourse has been had to the use of the fund set apart for Internal Improvement,—in fact, in the course of the year, the entire amount of the Internal Improvement Fund, was used in the payment of claims chargeable on the Public Fund; it being deemed better thus to apply it, than to pay interest on a like amount borrowed from the Bank; and particularly so as no appropriation from the fund for Internal Improvement was made at the last session; nor was there a probability of any claim chargeable on that fund being presented within the year. Upon the receipt of the revenue from the Sheriffs, on the first day of October last, the whole amount of the Internal Improvement Fund was repaid; but the disbursements, since that period, have again made it necessary for the public fund to become its debtor for the sum above stated. It is evident, therefore, from the present state of the Treasury, that speedy provision must be made either by loan or otherwise, for meeting the current demands upon it.

The accompanying statement marked C., exhibits the amount of Treasury Notes issued under the several Acts of Assembly; the amount at different periods redeemed and burnt; and the amount yet unredeemed. Judging from the rapid decrease in the amount presented for redemption within the last three years, it may be fairly inferred, that in the course of a similar period, the whole amount yet in actual circulation, will be redeemed; and this very troublesome and hitherto laborious business, brought to a final close.

Copies of such Bank exhibits as have been received at this office since the last session, are hereto annexed; and copies of such others, as may be received during the present sitting of the General Assembly, will be promptly furnished.

The accompanying statements, marked from A. to H. inclusive, contain such information on the various subjects, to which they relate, as the books of this Department furnish; and which, it is believed, embrace all that the act, regulating the Treasury Department, requires.

In the month of May last, Col. Samuel Chunn, who has been the State Director in the Buncombe Turnpike Company, for several years past, resigned that appointment, and the duty of filling the vacancy, being by the Charter, devolved on the Public Treasurer, I issued a commission to Dr. J. F. E. Hardy, of Ashville, who had been well recommended; and in whose hands, I have no doubt, the interests of the State may be safely entrusted.

That portion of the Revenue collectable by the Sheriffs of the State, has again been promptly and punctually accounted for; but I regret to say that several of the auctioneers, who are liable for the tax due upon their sales at auction, have failed to account for the same as prescribed by law. A list of the officers thus delinquent, with the amount due by each, has been certified and published in the State Gazette, as required by the 23d section of the "Act concerning the Public Treasury;" and such further measures, as the Act requires for securing the amount due the State, will be taken in proper time.

All which is respectfully submitted,

SAMUEL F. PATTERSON, *Public Treasurer.*

A.

Statement of Cash received in the Treasury, from the 31st day of October, 1835, to the 1st day of November, 1836, on additional returns of Taxes.

Sheriffs.		Counties,	Tax Due,	Am't paid
				D. C.
John Gamble,	Late Sheriff,	Ashe,	1833	1 88
Samuel Bird,	" "	Yancy,	1834	15 04
William G. Jones,	" "	Warren,	"	16 14
Thomas L. Lea,	" "	Caswell,	"	88 70
Thomas Ward,	" "	Lincoln,	"	90 56
William Carson,	" "	Rutherford,	"	35 12
Thomas Wilson,	" "	Yancy,	"	43 21
John McLean,	" "	Cumberland,	"	7 17
R. G. Cowper,	(late.)	Hertford,	"	26 60
John D. Bennett,	"	Washington,	"	14 43
Hampton B. Hammond,	"	Anson,	"	48 91
James H. Wood,	"	Northampton,	1832 and 4	50 78
Leslie Gilliam,	"	Granville,	1831 and 4	37 66
Neil McAlpin,	"	Robeson,	1834	22 13
C. B. Morris,	"	New Hanover,	"	18 88
				<u>\$517 21</u>
Samuel Bird, (late) Tavern Tax,		Yancy,	1834	15 04

B.

Statement of Cash received in the Treasury on the Bonds due on account of Sales of Cherokee Lands, from 31st of October, 1835, to the 1st November, 1836, belonging to the Fund for Internal Improvement.

Date.	From whom Received,	Bonds paid.	Amount.
1835			D. C.
Nov. 16	Elihu Coward,	in full 4th Instalment	83 25
	Jonathan Coward,	in part 4 "	20 00
	John B. Love,	" 2 "	30 00
17	Samuel Byrd,	in full 2 "	44 58
	do	" 3 "	62 93
	do	" 4 "	60 75
	David Peek,	" 1 "	22 21
	do	" 2 "	42 66
	do	" 3 "	41 07
	do	" 4 "	39 49
	John Rich,	" 1 "	21 40
	do	" 2 "	41 37
	do	" 3 "	39 85
	do	" 4 "	38 33
	Lindsey Fortune,	" 2 "	36 40
	do	" 3 "	44 62
	do	" 4 "	42 95
	John Murray,	" 2 "	14 10
	do	in part 3 "	35 90
	James Shearer,	in full 3 "	3 86
	do	" 4 "	28 31
	Wm. W. Percy, Adm'r of R. and		
	Jesse Fulton,	in part 2 "	30 00
	William Mason,	" 4 "	7 00
	Samuel Sherrell,	" 3 "	20 00
	Eli Ritchie,	" 4 "	27 25
18	Hugh Gibbs,	" 4 "	75 00
	John Moore,	" 3 "	35 00
	do	" 1 "	40 00
	Joseph Buchanan,	in full 2 "	72 00
	do	in part 3 "	3 00
	Thomas Kimsey,	in full 3 "	12 50
	do	in part 4 "	7 50
	Joab L. Moore,	in full 1 "	1 52
	do	in " 2 "	41 28
	do	in part 3 "	17 20
	Silas H. McDowell,	in full 1 "	14 44
	do	" 2 "	27 81
	do	" 3 "	26 79
	do	" 4 "	25 69
19	William Siler,	" 4 "	74 18
	Joseph Shepherd,	" 1 "	37 46
	do	" 2 "	46 74
	do	" 3 "	69 70
	do	" 4 "	67 00

Statement B.—Continued.

1835					D.	C.
20	John J. Posey,		in full	1st Insa/m't.	25	46
	do	.	"	2	48	95
	do	.	"	3	47	12
	John Amos,		in part	3	5	00
23	Samuel Gibson,		"	3	30	00
	John Hyde,		in full	1	12	47
	do		"	2	12	53
24	Lincoln Fullam,		in full	3	89	26
	do	.	in part	4	12	54
	Samuel Bryson,		in full	3	78	89
	do	.	in part	4	71	11
	Henry Wilson,		"	4	10	00
	Samuel Crawford,		in full	2	49	08
26	John Gribble,		"	3	104	55
	do		in part	4	5	45
	James Patterson,		in full	4	56	52
Dec.	John Cutcher.		"	4	9	55
16	William Cathey,		"	2	12	00
	do		"	1	75	86
17	John J. Posey,		"	4	45	55
	Abraham Picklesimer,		"	4	18	30
	David Rogers,		in part	4	35	00
	Margaret Welch,		"	2	200	00
	do	.	"	3	200	00
	do	.	"	4	134	96
	William Cathey,		"	3	12	14
	Abraham Picklesimer,		"	4	2	67
1836	James Truet,		in full	4	1	25
Feb. 23	Thomas Shepherd,		"	1	25	57
	do	.	"	2	49	25
	do	.	"	3	47	09
	do	.	"	4	45	17
	do	.	"	1	3	76
	do	.	"	2	2	88
	do	.	"	3	22	32
	do	.	"	4	71	32
	do	.	"	1	5	02
	do	.	"	2	4	43
	John Johnson,		"	2	3	93
	do	.	"	3	99	12
	do	.	"	4	95	07
	do	.	"	3	77	76
	do	.	"	4	98	61
					\$3630 70	

Statement of Treasury Notes issued and reported to the Comptroller, and put in circulation, according to the Acts of Assembly of 1814, 1816, and 1823.

Amount issued under the Act of 1814	-	-	\$82,000 00
do do do 1816	-	-	80,000 00
do do do 1823	-	-	100,000 00

\$262,000 00

Amount burnt by the Committee of Finance, according to the Comptroller's Report of 1819

			1819	943 34
do	do	do	1821	7,710 00
do	do	do	1822	9,784 52
do	do	do	1823	6,310 51½
do	do	do	1824	5,696 25
do	do	do	1825	12,170 89½
do	do	do	1826	15,392 46
do	do	do	1827	15,523 98
do	do	do	1827	9,302 76
do	do	do	1828	17,781 89
do	do	do	1829	19,971 85½
do	do	do	1830	21,601 61
do	do	do	1831	29,811 77
do	do	do	1832	18,681 38½
do	do	do	1833	10,565 41
do	do	do	1834	5,138 22
do	do	do	1835	3,356 29

209,744 14

Deduct the amount on hand in the Vault of the Treasury,

52,255 86
1,368 11

Shewing balance unredeemed, and in circulation, of

\$50,887 75

Statement, shewing the number of Shares of Bank Stock owned by the State of North Carolina, and by the President and Directors of the Literary Fund, November 1st, 1836.

Shares of Stock of the Bank of the State of North Carolina, held in the name of the State of North Carolina,	4058	
Shares of Stock owned by the President and Directors of the Literary Fund,	1942	6000
Do of Stock in the Bank of Cape Fear, owned by the State; and Dividends unappropriated,	10	
Do of Stock in do appropriated to Fund for Internal Improvement,	1358	
Do do owned by the President and Directors of the Literary Fund, and purchased with cash belonging to that Fund,	50	
Do do Dividends appropriated to Literary Fund,	704	2122
Do of Stock in the Bank of Newbern, owned by the State, and Dividends unappropriated,	155	
Do do Dividends appropriated to Fund for Internal Improvement,	1304	
Do do Dividends appropriated to Literary Fund,	359	
Do do owned by the President and Directors of the Literary Fund, and purchased with the cash belonging to that Fund,	141	1959
Do of Stock in the State Bank of North Carolina, owned by the State, and Dividends unappropriated,	2768	
Do do owned by the President and Directors of the Literary Fund, and purchased with the cash belonging to that Fund,	282	3050
Aggregate number of Shares,		13,131

The State has received on the Stock of the State Bank of North Carolina, the following Dividends of the Capital, viz:

One Dividend of \$50 per Share.	
" " " 20 "	
" " " 8 "	
" " " 10 "	
Total Capital received of the State Bank,	\$88 per Share,

On the Bank of Newbern,

One Dividend of \$25 per Share.	
" " " 20 "	
" " " 10 "	
" " " 15 "	
" " " 7 "	

Total Capital received of the Bank of Newbern, \$77 per Share.

E

Statement of the nett produce of the different branches of Revenue and the amount of cash received thereon into the Public Treasury, from the 31st day of October 1835, to the first of November 1836.

Branches of Revenue.	Amount.	Aggregate.
Tax on land	23,226 52	
" " Town property,	1,620 42	
" " Polls,	28,016 02	
" " Stud horses,	1,494 61	
" " Gates,	122 20	
" " Stores,	10,835 38	
" " Pedlars,	3,322 90	
" " Artificial curiosities,	1,635 60	
" " Natural do.	451 20	
" " Billiard-tables or tables of chance,	470 00	
" " Brokers and Lottery Offices,	188 00	
BANK TAX.		71,382 85
Bank of the State,	2,250 00	
" " Bank of Cape Fear,	1,595 00	
" " Bank of Newbern,	562 50	
BANK DIVIDENDS OF CAPITAL STOCK.		4,407 50
" " Bank of Newbern,		12,726 00
BANK DIVIDEND OF PROFIT UNAPPROPRIATED.		
" " Bank of the State,	38,815 50	
" " Bank of Cape Fear,	75 00	
		38,890 50
Buncombe Turnpike Company Dividends,		950 00
STATE LOAN.		
Charles Manley, Treasurer, University	100,000 00	
Treasurer of the U. S. of America.	300,000 00	
TREASURY LOAN.		400,000 00
Bank of the State of North Carolina,		10,966 62
Cash received from H. H. Cooke, his bond,	223 47	
" " Miss E. E. Haywood, rent,	10 00	
" " J. H. Lindsey,	3 00	236 47
Aggregate amount received on account of public fund,		\$539,559 94
LITERARY FUND.		
Bank dividends of profit,	20,424 50	
" " Bank of Newbern Capital Stock,	987 00	
Dividends Roanoke Navigation Company,	1,375 00	
" " Cape Fear,	417 22	
Tavern Tax for 1835,	2,597 22	
Auction tax for 1835 and 1836,	1,159 06	
Entries of vacant land,	5,682 71	
Aggregate amount, Literary Fund		\$32,642 71
INTERNAL IMPROVEMENT FUND.		
Bank dividends on stock appropriated to fund for Internal Improvement	10,185 00	
" " Amount received on Cherokee bonds,	3,630 70	
" " Jonathan Philips' bond,	275 25	
" " John Rutherford Jr, do	2,016 33	
" " Sale of Dredging machine,	87 65	
Aggregate of Internal Improvement fund,		\$16,194 93
Aggregate amount received on account of Public Fund, Literary Fund, and Fund for Internal Improvement.		\$588,397 58

F.
Statement of Insolvents allowed by the Comptroller to the Sheriffs in their settle-
ment of the Taxes of 1835.

Sheriffs.	Counties.	No. Polls.	Amount.	
			D	C
William G. Jones	Warren	63	12	60
William B. Cole	Richmond	45	9	00
James Simmons	Halifax	175	35	00
Fielding Slater	Rowan	167	33	40
William Thompson	Wayne	42	8	40
Thomas Ward	Lincoln	56	11	20
Joseph McConnaughey	Mecklenburg	49	9	80
Nathan Bagley	Perquimons	37	7	40
Thomas Wilson	Yancy	81	16	20
Isaac Baxter	Currituck	23	4	60
William Carson	Rutherford	130	26	00
John B. Dawson	Craven	105	21	00
John McLean	Cumberland	131	26	20
Martin Roberts	Rockingham	75	15	00
William D. Petway	Edgecomb	114	22	80
Edward K. Jegitts	Hertford	52	10	40
Risden McDaniel	Jones	9	1	80
Salathiel Stone	Stokes	99	19	80
James W. Doak	Guilford	111	22	20
William Kenneday	Davidson	53	10	60
Robert B. Davis	Washington	27	5	40
Joshua A. Pool	Pasquotank	33	6	60
William D. Rascoc	Chowan	32	6	40
John Harman	Chatham	126	25	20
James H. Wood	Northampton	53	10	60
John W. Taylor	Greene	18	3	60
H. G. Hampton	Surry	48	9	60
Guston Perry	Franklin	61	12	20
Joseph M. Bogle	Iredell	101	20	20
J. J. Bryan	Wilkes	38	7	60
Bryan H. Griffin	Pitt	76	15	20
Curtis Thompson	Sampson	45	9	00
Allen S. Ballenger	Johnston	78	15	60
		2353	\$470 60	

State of the Merchants' Bank of Newbern, on Tuesday, the 31st of May, 1836.

Of the above sum of \$336,636 29, there is due from Stockholders, not Directors,
Do do from Directors,

JOHN W. GUION, *Cashier.*

Allen S. Ballenger
Curtis Thompson
Byron H. Griffin
J. A. Bryan
Joseph M. Boggs
Gaston Perry
H. G. Hampton
John W. Taylor
James H. Wood
John Harman
William D. Haddock
Joshua A. Post
Robert B. Davis
William Kennedy
James W. Dock
Sathiel Stone
Hinden McDaniels
Edward K. Jaggins
William D. Lowmy
Martin Roberts
John McLean
John B. Dawson
William Catzog
Isaac Baxter
Thomas Wilson
Nathan Bagby
Joseph McCannery
Thomas Ward
William Thompson
Fredding Seiler
James Simmons
William B. Cole
William G. Jones

State of the Bank of Cape Fear, on the morning of Friday, the 1st July, 1836.

JOHN HILL, Cash'r.

034010
56194
51325
135815
937628
105110
Dollars

JOHN HILL COY.

HOUSE OF COMMONS

REPORT

COMMISSIONERS

OF THE LANDS

IN THE CITY OF LONDON

1850

PRINTED BY

W. LUTHER

(HOUSE OF COMMONS No. 3.)

REPORT

OF THE

COMMISSIONERS

FOR REBUILDING

THE CAPITOL,

.....

T. Loring, Printer, Raleigh, N. C.

1836

(HOUSE OF COMMONS No. 2.)

REPORT

OF THE

COMMISSIONERS

FOR REVENUE

THE OARITOL.

By George, Thomas, H. & Co.

1838

REPORT
OF THE
COMMISSIONERS

FOR REBUILDING

THE CAPITOL.

The progress of the work in rebuilding the State Capitol, during the present year, has not been as great as was anticipated by the Commissioners, while the expenses, operated on in the meantime by circumstances, not within their control, and which could not have been foreseen, have increased the amount of disbursements beyond their expectations.

The difficulty which was apprehended in arriving at any thing like accuracy, as to the time it would take to complete the Portico, and main entablature of the Building—embracing carvings, extensive and intricate, upon which the hands for the last fifteen months have been principally engaged, has been fully realized in the result; while the severity of the last winter, and loss of hands in the Spring, tended still further to retard the advancement of this part of the work to the point, at which the Commissioners had indulged the hope of its arrival by this time. The demand for Rock Cutters to the North, particularly in the City of New York, at the close of the winter was so great, as to compel the Commissioners to commence the summer pay as early as the first of March, at Two Dollars and twenty-five cents. And even at this rate, so large a portion of the hands, enticed by the prospects in that quarter, left the Job in May, as to threaten an entire suspension of the work. To supply the deficiency, it became indispensable to commission the

Superintendent to proceed to the North, and to employ hands, and pay expenses of their transportation to this place. The object was effected, and the service performed in a most satisfactory manner to the Commissioners. By the time of the arrival of the new hands, a further increase of wages had taken place in New York, when the Board, to avoid a similar dilemma, to that from which they had just escaped, and which would undoubtedly have been experienced, were under the necessity of making a further increase of seventy-five cents per day, from the first of June to the first of November; the time of the termination of summer rates—being the same allowed in New York, including the extra hour in the day over the time of working there. A raise of the pay of labouring hands from fifty to sixty-two and a half cents per day, both at the Quarry and Capitol, had also become indispensable to retain a competent force at these places, in consequence of the demand for hands of this description upon the rail road, now constructing between this and the Roanoke, together with the high price of provisions in the neighborhood.

Upon reference to the facts and circumstances connected with the operations of the work, as detailed in the preceding lines, its progress and cost within this year, compared with the last, exhibit no essential difference, not accounted for according to the above views of the subject.

Towards the close of the winter, the Commissioners were notified by the Raleigh rail road company, of their unwillingness to continue longer to transport Rock to the Capitol, on the terms at which they had been performing that service since the commencement of the work, and proposed that the Commissioners take the entire control of the road, and allow them a given sum by the year for its use; unfortunately for the State, no contract had been entered into at the beginning, which would put it out of the power of the company, had they been so disposed, to exact whatever price for hauling, they might require. Thus circumstanced, the Commissioners did not hesitate to make the best terms they could, to avoid such a contingency. They accomplished, finally, a permanent arrangement with the company, al-

lowing them at the rates of one thousand dollars per annum for the use of the road, as long as the Commissioners should deem its use essential to the interest of the State, in the prosecution of the work on hand.

The State had in the first year paid the company for hauling \$3200 (three thousand two hundred dollars,) in the second year, \$2600 (two thousand six hundred dollars). By this arrangement, it is believed, there will be a considerable saving to the State, as the hauling can be performed by the horses attached to the Quarry, and the repairs to the road, which may be required to keep it in condition to answer the purposes of the State, can be done by the hands of the State, and principally by the common laborers, of which class, the Commissioners are compelled to keep, for handling the rock of immense weight, required on the part of the building in execution during the present year, a larger force than can be constantly employed; while the work will be freed from risk of exorbitant exaction, which at any time could have been enforced by the company.

The Commissioners regret that the article of copper, a material of which from the beginning was intended to form the covering of the building, has for some time been far above the usual rate. This article, under any circumstance, will constitute a heavy item in the cost of the building; the engagement therefore was suspended, as long as the work would admit, with the hope of a fall in its price. But being advised that there was no probability of a decline, and the advanced state of the work requiring an early commencement of its preparation, a purchase was lately made at the current rate, and an experienced Artist engaged for the execution of that part of the work. Tin or zinc would have cost about half the price of copper, but being far less durable in their nature, and of course less appropriate covering to a building composed of the material of this, and of its character of workmanship, the former was therefore preferred.

In carrying out in execution the general design of this building, the Commissioners are disposed to be governed by one rule viz: To suffer no part in material or workman-

ship, from considerations of expense, to attach an idea of meanness to the whole or any part thereof, believing that in acting upon this principle, the completion of this great work, identified with the pride and character of the State, they will more fully accomplish the wishes and expectations of the Legislature, than by a course, which for the sake of saving, the building would when done be looked upon as a piece of mere patch-work.

In following out this rule, one of the most prominent cases showing the propriety of its general bearing and necessity of its observance, will be seen in the basement of the building, where the sides of the passages, partly put up in rough rock, during the first year of the work, and intended for plaster, are now designed to be superseded by walls of faced rock as high as the springing of the ground arches, if of plaster, as originally proposed, it would be easy to foresee that the sides of these walls, flanking the public high-ways of the building, in a short time would become defaced and mutilated—and when taken into consideration, their immediate connection with the basement rotundo of hewn rock, the incongruity would be so apparent, as to render them forever objects of painful contemplation.

The general design and plan of the building is now settled, and drawings made out for the execution of the work accordingly, which upon examination will be found, that the interior arrangement of its various apartments, with a view to the different objects of the building, are appropriate and harmonious. On the principal floor is located all the rooms necessary for the accommodation of the Legislature—in the North end, the Senate chamber—in the South end, the hall of the House of Commons, with suitable offices for their clerks; on each side of the passage ways connecting the Porticos with the Rotunda, are the committee rooms. In the Basement the offices for the different departments of the State—on the upper floor, in the East and West centre projections, the Supreme Court and Library rooms, the former thus situated, will be removed from the bustle and intrusion, to which it would be exposed, if placed contiguous to the public Halls; while the latter will be suitably retired, and

where a height of ceiling may be attained to admit of the introduction of an order of Architecture, appropriate to the objects of these rooms.

The great Stair-ways have prominent starting points, at the entrance of the Portico's in the Basement, and an easy and uninterrupted continuance to the apartments and galleries above.

The Board have spared no pains in settling the plan of this edifice in all its parts, with the strictest regard to the principles of Architecture, and rules of Architectural taste. In accomplishing this important object they have been guided by the highest professional skill, not even adopting the design upon the recommendation of Mr. Paton, our superintendant alone (who has displayed unexampled skill in carrying this work through nearly all of its most difficult and intricate parts of execution, with extraordinary accuracy and precision,) but in accordance with his wishes, it has been submitted to Architects of the first character, in the United States, who have examined and given their most decided approval and strongly recommended its adoption.

When the building shall have been completed as contemplated; notwithstanding its cost will be great, yet taking into consideration the rock of which it is constructed, is out of the States' own Quarry, and the facilities afforded in its transportation for the magnitude of the work, the materials of which composed, and the style of its execution, it will be one among the cheapest buildings of its character in the United States, and will perhaps present one among the finest specimens of classic taste in Architecture.

The commissioners knowing, from experience, the uncertainty of arriving at any thing like accuracy, in estimating the time it will take to complete the building, or the amount of its final cost, and doubting whether such estimates now will be deemed by the Legislature of any importance in the advanced state of the work, decline any calculation on the subject, except merely to ask an appropriation for the ensuing year of the same amount, as was appropriated for the last, to enable them to carry on the work to its completion. But should there be no session of the Legislature in the en-

suing fall, and this sum fall short of finishing the building and procuring the necessary furniture, to place it in condition to accommodate the Legislature at the Session of the fall next thereafter; in this case, then, provision should be made to avoid such a contingency.

The funds heretofore appropriated for this object have been drawn from the Treasury of the State, to meet the expenses as they occurred. There will remain on hand on the first of next month, of the amount unexpended, thirteen thousand dollars.

The amounts exhibiting the disbursements of the present year, are arranged by the Clerk, and in readiness at the Superintendent's office, for examination, where any committee appointed by the Legislature, are invited to hold their meetings, and where every facility will be afforded, to enable them to arrive at a satisfactory understanding of the subject, to which their attention may be directed.

I have the honor to be very respectfully,

your obedient servant

BEVERLY DANIEL,

Chairman of the Board Commis- }
sioner's of the State of N. C. }

REPORT

OF THE

COMMISSIONERS,

APPOINTED TO REVISE AND CONSOLIDATE

THE PUBLIC STATUTES,

OF

NORTH CAROLINA.

THE undersigned, appointed under the provisions of an act of the General Assembly, passed in the year one thousand eight hundred and thirty three, Commissioners to revise and consolidate the Public Statute Laws of this State, respectfully report.

That they have completed the task assigned them, and the result of their labors is now submitted to the Legislature. Their revision, including all the Public Acts of our own Legislature and the Statutes of England, believed to be still in force in this State, is comprized in one hundred and fifteen acts, which in obedience to the directions of the last General Assembly have been sent to the Printer appointed for that purpose by the Governor, and have all been printed with the exception of eleven, (which are now in the press) and will accompany this communication. The commissioners have pursued the plan which they indicated to the General Assembly in their report made at the first session after their appointment. They have consolidated in one act, all the Statutes both our own and English, which related to the same subject, pointing out by marginal references, the sources from which each section and part of the act were derived. The Commissioners were restricted, except in one instance, by the law under which they acted, from offering any new law, or from making such alterations as would affect the sense or construction of any of the Statutes. With this restriction they have endeavoured carefully to comply, and in a very few instances, where an amendment seemed obviously called for, and was inserted, it has been marked in the margin "proposed as an amendment" or has been left without any marginal reference. They were indeed authorized at their discretion to recommend the repeal of any Statute, and the adoption of such new provisions as such repeal might render necessary. But on reflection, they have deemed the exercise of such a power of too delicate, if not presumptuous a nature, and they have thought it better, with the exceptions above referred to, to leave to the Legislature the suggestion as well as the perfection of such amendments of the Law, as the public interest may require. A list of the

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acts revised is hereto appended marked A. If the Legislature should adopt this revision with such alterations as their wisdom will suggest, and direct its publication, it is respectfully proposed that the revised acts, should be published in one volume, arranged in alphabetical order according to their heads or titles, with reference to decisions of the Supreme Court, and that these should be prefixed in the same volume, the Constitution of this State and of the United States, and added in an appendix the Statutes relating to descents, to the probate of wills and granting letters of administration and the probate of deeds and perhaps some others which have not now any prospective operation, but which are the subject of frequent reference in the investigation of claims to real and personal property.

There are many of our public Statutes, which from their very nature were not susceptible of revision and consolidation ; such are the charters to the University, to the several Banks of this State, and to the navigation and Rail Road companies, and the Statutes defining the boundaries of the State and of its several counties, and perhaps some other Statutes. Of these the Commissioners recommend the publication in a second volume, of which, being of less general interest, and less frequent reference, a smaller number of copies than of the first volue will be required. A list of these acts is hereto appended marked B.

A list marked C. is also appended, of such public acts of the General Assembly to be found in the Revised Code, Taylor's Revisal and the Pamphlets since that period, as the Commissioners believe to have become obsolete or to have been repealed or superseded by subsequent acts, or to have had their effect. This list is perhaps too comprehensive in its title, because it does not embrace many acts and parts of acts relating to subjects on which a revised Statute has been reported, and when the repeal may be seen by examining the marginal references.

The Commissioners in conclusion will remark, that they are aware the execution of the trust reposed in them required no high degree of ability, but demanded rather patient investigation, care and attention. However faithfully they may have endeavored to apply these qualities, they are fearful that there may exist many defects and imperfections in their work. The difficulty of avoiding these and the labor necessarily employed, may be in some degree estimated from the fact, that the public printed Statute laws of this State, without reference to the British Statutes, consist, of nearly two thousand acts, 11 of which had to be carefully examined and collated, and the parts still in force to be arranged in proper order and under their appropriate heads. If the present revision should be adopted, the whole Statute Law, including the British Statutes, in force in this State, will be comprised in about one hundred and fifteen acts, some of them very short and none inconveniently long.

The Commissioners will feel a high gratification if they shall have been in any degree instrumental in abridging the labors of future Legislation, or in diffusing more generally a knowledge of the laws, which in every community is essential to the security, the happiness and the liberty of the people.

FREDERIC NASH.

JAS. IREDELL.

WILL. H. BATTLE.

Raleigh, Nov. 28th, 1836.

A

List of the Revised Acts.

- No. 1. An act concerning Book Debts
2. Entries and Grants.
3. Wrecks.
4. Militia.
5. Public Documents.
6. Elections of Members of Congress.
7. Bastard Children.
8. Divorce and Alimony.
9. Attornies at Law.
10. Constables.
11. Poor.
12. Bail in civil cases.
13. Executors and Administrators.
14. Coroners.
15. Comptroller.
16. Quarantine and Health.
17. Treasurer of the State.
18. Revenue.
19. Religious Societies.
20. Evidence in certain cases.
21. Abatement.
22. Oysters.
23. Secretary of State.
24. Mad Dogs.
25. Wills and Testaments.
26. Pensions.
27. Overseers.
28. Usury.
29. Electors of President and Vice President.
30. Replevin.
31. Hunting.
32. Currency.
33. Draining low lands.
34. Notaries.
35. Corporations.
36. Internal Improvement.
37. Partition of real and personal estates.
38. Pilots and Commissioners of Navigation.
39. Attorney General & Solicitors.
40. Strays.
41. Idiots and Lunatics.

42. Weights and Measures.
43. Attachments.
44. Mines.
45. Fences.
46. Descents.
47. Patrol.
48. Legacies, Filial Portions &c.
49. Cattle, Horses and Hogs.
50. Seamen.
51. Repeal of Statutes.
52. Towns.
53. Slander of Women.
54. Charities.
55. Ordinaries.
56. University.
57. Vice and Immorality.
58. Official Bonds.
59. Apprentices.
60. Oaths.
61. Governor and Council.
62. Rivers and Creeks.
63. Mills and Millers.
64. Guardian and Ward.
65. Insolvent Debtors.
66. Supreme Court.
67. Courts of Equity.
68. Public Printer.
69. Justices of the Peace.
70. Commissioners of Affidavits.
71. Fairs.
72. Common Law.
73. Salaries and Fees.
74. Offices.
75. Burning Woods.
76. Seat of Government and Public Buildings.
77. Surety and Principal.
78. Literary Fund.
79. County Trustee.
80. Bills, Bonds and Promissory Notes.
81. Lands of Deceased Debtors.
82. Auctions and Auctioneers.
83. Clerks of the County and Superior Courts.
84. Deeds and Conveyances.
85. Sheriffs.
86. Limitations.
87. Waste.

Continued.

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| 88. Gaming Contracts. | 101. Executions & Execution Sales. |
| 89. Processioning. | 102. Appeals &c. |
| 90. County and Superior Courts. | 103. General Assembly. |
| 91. Register. | 104. Roads, Ferries and Bridges. |
| 92. Money in the hands of Clerks
and Sheriffs. | 105. Slaves and Free Persons of
Colour. |
| 93. Court Houses, Prisons and
Stocks. | 106. Forcible Entry and Detainer. |
| 94. Clerks and Masters in Equity. | 107. Quo Warranto and Mandamus. |
| 95. County Revenue and Charges. | 108. Bank Notes. |
| 96. Marriage. | 109. Amendments. |
| 97. Prisoners. | 110. Widows. |
| 98. Frauds and Fraudulent Convey-
ances. | 111. Boats and Canoes. |
| 99. Estates. | 112. Public Arms. |
| 100. Crimes and Punishments. | 113. Criminal Proceedings. |
| | 114. Habeas Corpus. |
| | 115. Inspections. |

Acts to be put in the second volume.

1722 c 12	1777 c 127	1790 c 322	1804 c 647
1728 c 17	" c 128	1791 c 333	" c 649
1729 c 18	" c 130	" c 337	" c 654
1734 c 21	" c 131	" c 355	" c 657
1741 c 25	1779 c 144	" c 357	" c 661
" c 27	" c 145	" c 358	" c 673
" c 36	" c 146	" c 359	" c 678
1745 c 39	" c 147	1792 c 367	1805 c 692
1746 c 40 & 41	" c 148	" c 369	" c 696
1748 c 42	" c 149	" c 373	1807 c 717
1749 c 47	" c 150	" c 374	" c 726
" c 48	" c 151	" c 375	" c 734
1752 c 51	" c 161	" c 377	" c 735
1753 c 54	" c 162	1793 c 338	" c 736
" c 55	" c 163	" c 399	1808 c 737
1756 c 59	1782 c 183	" c 400	" c 738
" c 60	1784 c 214	" c 401	1809 c 763
1757 c 61	" c 215	1794 c 404	" c 772
1758 c 62	" c 216	" c 405	" c 776
" c 63	" c 217	" c 408	" c 780
1759 c 64	" c 218	" c 410	" c 781
1760 c 66	" c 231	" c 421	1810 c 805
1761 c 68	" c 232	" c 427	1811 c 815
1762 c 71	1785 c 240	" c 428	" c 826
1764 c 74	" c 245	1795 c 448	" c 827
" c 75	" c 247	" c 450	1812 c 848
" c 76	1786 c 248	1796 c 461	1813 c 857
" c 77	" c 259	" c 463	" c 857 (2d)
1765 c 78	" c 250	" c 472	1814 c 870
1766 c 81	" c 261	" c 473	" c 874
" c 82	" c 263	" c 479	" c 880
1767 c 84	" c 264	1797 c 491	" c 884
1768 c 87	1787 c 281	1778 c 512	1815 c 885
1770 c 92	1788 c 286	" c 518	" c 896
" c 93	" c 287	1799 c 534	" c 897
1770 c 94	" c 288	" c 543	1816 c 916
" c 95	" c 294	" c 544	" c 929
" c 97	" c 295	1800 c 545	" c 930
" c 99	" c 296	1801 c 601	1817 c 958
1773 c 101	" c 297	" c 602	" c 959 (2d)
1774 c 104	1789 c 299	" c 603	" c 961
" c 106	" c 301	" c 604	1819 c 991
1777 c 111	" c 304	" c 605	" c 997
" c 112	" c 305	" c 606	" c 988
" c 113	" c 306	1803 c 628	" c 1005
" c 125	" c 310	" c 629	" c 1028
" c 126	" c 313	" c 631	" c 1029
	" c 317		

continued.

1819 c 1030	1823 c 1194	1827 c 32	igation Company.
" c 1031	" c 1195	" c 35	" c 21
" c 1032	" c 1196	" c 37	" c 42
" c 1033	" c 1198	" c 88	1833 c 1
" c 1034	" c 1199	1828 c 19	" c 3
1820 c 1035	" c 1221	" c 21	" c 4
" c 1060	1824 c 1241	" c 22	" c 13
" c 1062	" c 1242	" c 33	" c 23
" c 1075	" c 1243	" c 37	" c 83
" c 1076	" c 1251	" c 39	" c 84
1821 c 1086	" c 1255	" c 47	" c 85
" c 1098	" c 1258	" c 48	" c 86
" c 1109	" c 1259	" c 50	" c 87
" c 1111	1825 c 1270	1829 c 10	1834 c 1
" c 1114	" c 1279	" c 15	" c 2
" c 1115	" c 1281	" c 16 and all	" c 3
" c 1118	" c 1292	the Laws relating	" c 5
1822 c 1140	" c 1299	to the Catawba	" c 6
" c 1144	" c 1300	Company.	" c 7
" c 1145	" c 1305	" c 21	" c 25
" c 1152	1826 c 3	" c 27	" c 28
" c 1174	" c 17	" c 34	" c 59
" c 1175	" c 20	1830 c 23	" c 60
" c 1176	" c 24	1831 c 27	1835 c 11
" c 1177	" c 70	1832 c 3	" c 81
" c 1178	" c 117	" c 10 and all	" c 82
1823 c 1187	1827 c 25	the Laws relating	" c 83
" c 1189	" c 31	to the Neuse Nav-	

Acts and parts of acts omitted as being obsolete, repealed, superseded by subsequent acts, or having ceased to operate.

1715 c 2 s 2	1779 c 155	1791 c 348	1801 c 582
" c 3 s 3	" c 158	" c 355	" c 586
" c 4	1780 c 165	" c 356	1802 c 607
" c 5	" c 166	1792 c 360 s 2 3	" c 610
" c 6	" c 167	" c 370	" c 611
" c 7 s 7 9 10	" c 168	" c 383	" c 612
11 12	" c 169	1793 c 393	" c 613
" c 8	1781 c 170	" c 396	" c 614
" c 9	" c 171	1794 c 407	" c 615
" c 10 1 2 3	" c 172	" c 409	" c 620
1722 c 11	" c 173	" c 416	" c 221
" c 13 s 4 5	" c 174	" c 417	" c 662
1729 c 19 s 1 2 3	" c 175	" c 419	1803 c 630
4 6	1782 c 180	" c 432	" c 634
1738 c 21	" c 182	1795 c 434	" c 637
1741 c 23 s 3 6	1783 c 186	" c 437	" c 638
" c 26	" c 187	" c 438	" c 643
" c 30 s 12	" c 193	" c 440	1804 c 645
" c 34 s 1 2 3	1784 c 196	" c 444	" c 646
" c 35 all the	" c 197	1796 c 456	" c 648
sections from 1 to	" c 198	" c 459	" c 652
21 inclusive.	" c 200	" c 467	" c 656
1748 c 43	" c 201	" c 471	" c 659
" c 44	" c 202	" c 480	" c 662
1749 c 45	" c 222	" c 481	" c 663
" c 46	" c 225 s 4	1797 c 484	" c 671
1751 c 50 s 5	" c 229	" c 489	" c 672
1753 c 52	" c 230	1798 c 495	1804 c 677
1758 c 58 s 6	1785 c 223 s 6	" c 499	1805 c 682
1760 c 67	" c 234	" c 500	" c 688
1764 c 73	" c 235	" c 507	1806 c 705
1766 c 80	" c 236	" c 516	1807 c 714
1761 c 85	" c 237	1799 c 519	" c 715
1768 c 88	" c 239	" c 521	" c 718
1770 c 90	" c 246	" c 523	1808 c 758
" c 91	1786 c 250	" c 524	1809 c 784
" c 98	" c 257	" c 530	1810 c 788
1773 c 102	1787 c 264	" c 540	" c 789
1777 c 110	" c 266	1800 c 546	" c 803
" c 114 s 6 7 8	" c 270	" c 548	" c 804
15 16	" c 271	" c 550	1811 c 806
" c 115 s 50 51	1788 c 283	" c 553	" c 810
83 87 88	" c 290	" c 554	" c 817
89 91	" c 291	1800 c 555	" c 818
" c 124	1789 c 300	" c 556	" c 819
1778 c 136	" c 315	" c 566	" c 825
" c 137	" c 316	1801 c 568	1812 c 834
1779 c 139	1790 c 319	" c 571	" c 841
" c 140	" c 328	" c 573	" c 843
" c 141	" c 329	" c 576	" c 849
" c 143	1791 c 347	" c 579	" c 854

continued.

1813 c 856	1820 c 1074	1824 c 1240	1828 c 20
" c 860	1821 c 1078	" c 1245	" c 27
1814 c 868	" c 1082	" c 1250	1828 c 30
" c 875	" c 1084	" c 1256	" c 36
1816 c 904	" c 1087	" c 1257	" c 38
" c 908	" c 1088	1824 c 1264	" c 40
" c 914	" c 1089 repl'd.	" c 1265	1829 c 1
" c 919	" c 1090	1825 c 1273	" c 2
" c 920	" c 1092	" c 1275	" c 4
" c 921	" c 1099	" c 1277	" c 11
" c 926	" c 1100	" c 1280	" c 12
" c 931	" c 1101	" c 1283	" c 13
" c 932	" c 1102	" c 1290	" c 14
1817 c 957	" c 1104	" c 1293	" c 18
" c 959	" c 1105	" c 1298	" c 26
1818 c 967	" c 1113	" c 1301	" 126
" c 969 (1st)	" c 1124	" c 1302	1830 c 13
" c 977	" c 1125	1826 c 1	" c 19
" c 979	1822 c 1156	" c 16	" c 20
1819 c 992	" c 1160	" c 18	" c 24
" c 996	" c 1163	" c 25	1831 c 5
" c 1011	" c 1164	1827 c 5	" c 10
" c 1024	" c 1173	" c 8	" c 15
1820 c 1036	1823 c 1185	" c 12	" c 35
" c 1049	" c 1192	" c 16	" c 36
" c 1051	" c 1200	" c 17	" c 37
" c 1052	" c 1201	" c 27	" c 38
" c 1054	" c 1202	" c 28	" c 48
" c 1057	" c 1203	" c 30	1832 c 1
" c 1058	" c 1204	" c 34	" c 15
" c 1059	" c 1205	" c 39	" c 16
" c 1064	" c 1206	" c 42	" c 22
" c 1067	" c 1207	" c 45	1833 c 2
" c 1068	" c 1208	" c 47	" c 10
" c 1069	" c 1214	" c 48	" c 12
" c 1071	" c 1224	1828 c 3	1834 c 18
" c 1072	" c 1230	" c 6	1835 c 4
" c 1073	" 1239	" c 16	" c 14
			" c 21

[No. 10.]

Legislature of North Carolina—1836.

REPORT

OF

THE ADJUTANT GENERAL

OF

NORTH CAROLINA.

1836.

RALEIGH:

Thomas Loring, Printer.

.....

1836.

[No. 10]

Legislature of North Carolina—1836

REPORT

THE ADJUTANT GENERAL

NORTH CAROLINA

1836

HALEIGH

Thomas Norton, Printer

1836

REPORT.

ADJUTANT GENERAL'S OFFICE, }

Raleigh, December 6, 1836 }

To the General Assembly of the State of North Carolina:

GENTLEMEN: Under cover hereof, I have the honor to submit sundry abstracts, marked from A. to E., embracing all the information in regard to the militia, required by law, to be communicated annually from this office to the Legislature.

In obedience to a Resolution of the last session of the General Assembly, requiring the Arsenal at Fayetteville, to be repaired and placed in a condition to afford better accommodation to the arms, Gen. Ayer, the superintendant of that depot, was engaged to cause to be carried into effect, the object of this resolution. Having been disappointed in the expectation of a report from him, of the completion of the work by this time, I take for granted, from a knowledge of his uniform promptitude in discharge of his public duties, that there has been no want of attention on his part; and that the delay has arisen solely from the circumstances of the case.

No provision having heretofore been made, for cleaning and repairing the public arms; those at that depot consisting of the oldest arms, have been lying for many years without any kind of dressing, are now as might be expected, in a most deplorable condition, and unless something is speedily done to arrest the rapid process of decay, now operating, they will within a few years, or perhaps in a shorter time, become entirely worthless, and unfit for any valuable purpose. I would therefore beg leave, again, to suggest that these arms should be at once distributed at the cost of the State, among the regiments where exist the greatest necessity of the militia being constantly armed. It has been found from experience, vain to expect the militia will incur the expense, even were it right they should, of transporting arms to the points where they are wanted; under the existing act, of three years standing, authorizing the distribution of the muskets at this depot, upon application of the Colonels of the different counties, not one third of the counties have applied for their respective proportions; and in the course of the whole of the last year there has not been a single application which has come within my knowledge. I take it for granted therefore, that unless they are disposed of as above recommended, or a very considerable expense is incurred in having them put in good condition, they will in a short time be lost to the State. Should the Legislature determine on the former alternative, I would suggest the propriety of the arms being stamped before issued, so that they may at any time be identified as the property of the State. A precaution worth while being extended, if practicable, even to those already afloat, which together with such enactments as the Legislature may devise to guard them from becoming articles of traffic, and against their being carried out of the State, will render them more available for the purposes of the State, and afford greater security than loaned out upon individual guarantee, as frequently resorted to; which has from experience been found to be a mode of security generally in operation, and at best, inconsis-

tent with a proper regard for that liberality justly expected of the State towards the militia.

The arms deposited in the Arsenal at this place, have not, as yet, suffered materially; but the time has arrived when they should be cleaned and oiled; and it cannot, with safety, be longer postponed; and while undergoing this process, it would be a convenient opportunity to have them also stamped, as recommended in regard to those contemplated for distribution. There is an artist, resident in this place, in every respect well qualified, and doubtless can be employed at reasonable rates, to perform this service. These arms, when thus put in order, together with those now due from the General Government, will constitute a competent number for any emergency; and as many as the two Arsenals can conveniently accommodate. And the annual accumulation, under the standing appropriation by Congress, which is nearly equal to a thousand muskets a year, will enable the State to pursue a regular system of distribution among the militia of the older arms, while it would be holding in readiness a sufficient number of efficient arms for any emergency which may arise.

I am very respectfully, gentlemen,

Your obedient servant,

BEV. DANIEL,

Adj. Gen'l M. N. C.

A.

ABSTRACT, Exhibiting the strength of each Regiment, Brigade, and Division of the Militia, description, and number of arms, and distribution of those belonging to the State, in the several counties.

No. Division.	No. Brigade.	Counties.	No. of Regiments.	No. of Infantry.	No. of Riflemen.	ARMS.			Pub. Arms			No. of Companies' in Infantry.	No compa's riflemen
						Muskets.	Rifles.	Shot Guns.	Muskets	Rifles.	Non commis'd officers' swd's		
1		Currituck,	1	730		32		339				8	
		Camden,	2	730		32		366				8	
		Pasquotank,	3	598				571				6	
		Perquimons,	4	598				571				6	
	1		4	2656		64		1847				28	
		Bertie,	9	293				253				5	
		Chowan,	5	398				333				5	
		Gates,	6	567				404				7	
		Hertford,	10	545		50		343	200			8	
	18		4	1798		50		1333	200			30	
			8	4454		114		2980	200			58	
		Bladen,	41	690		45	52	349					
		Moore,	44	773		25	272	140	65			9	
		Cumberland,	33	488		130	34	159	43			9	
		"	34	265		4	57	65	80			5	
		Columbus,	85	391		26	41	264				7	
		Sampson,	32	1005		74	57	696				11	
	14		6	3612		314	613	1673	188			41	
		Anson,	53	470		250	92	258				9	
		"	54	592			209	235				9	
		Robeson,	42	494		102	44	268	65			9	
		Robeson	43	262	29	156	72					7	
		Richmond	51	424	"	12	108	191				5	1
		"	93	273	"	92						6	
	14		6	2515	29	620	525	952	65			58	1
2			12	6127	29	934	1138	2625	253			99	2

3	6	Chatham	45	627	"	24	63	136	4	8
		"	94	692	"	93	176	184	65	8
		Orange	47	793	"	21	64	440		10
		"	48	826	"	51	112	446		9 1
		"	49	668	"	25	196	181		9
		Randolph	55	901	"	32	413	77	64	8
		"	56	372	115	7	286	32		
			7	4879	115	253	1310	1490	133	52 1
		Caswell	59	1019	"	70	103	740	63	12
		Person	50	658	"	"		482	64	9
7	16	Granville	37	707	"	"		526	62	7
		"	38	754	"	11	84	348	65	9
			4	3138	"	81	184	2096	234	37
			11	8017	"	334	1594	3586	367	89
		Rowan	63	1010	"	1010	502	270	60	13
		"	64	682	"	7	269	87		8
		Davidson	87	659	113	"	375	169	65	8 2
		"	88	561	"	"	314	142		11
			4	3012	113	117	1460	668	125	40 2
		Lincoln	70	784	"	65	410	113	65	7
11	10	"	71	1578	"	86	138	712	65	10
		Rutherford	76	564	"	75	230	60		6
		"	77	940	"	"	320	98		10
		"	78	602	"	45	305	95	130	6 1
			5	4468	"	271	1403	1078	260	39 1
		Mecklenburg	68	750	"		241	439		9
		"	69	673	"	22	255	284		11
		Cabarrus	62	768	"	55	235	210		11
		Montgomery	60	564	"		286	153		7
		"	61	629	"		319	196		7
4	11	Volunteers		126	42		38	30	120	2 1
			6	3538	42	77	1374	1312	120	47
			15	11018	155	465	4237	3686	505	81 4
		Buncombe	82	634		5	300	25		7
		"	83	623		41	244	39	39	10
		Yancy	84	502		2	336	52	2	6 1
		Haywood	86	492		32	200	40	41	8
		Macon	90	847		14	410	62		9
			5	3098		94	1490	218	82	40 1
		Burk	79	1476		44	285	60		6 1
19		"	80	410	52	12	271	21		4 1
		"	81	542			168	54		4
		Yancy	92	350		2	177	3		5

5	15	Iredell	52	780	16	986	208	65	9
		"	89	423	7	254	29		7
	3		6	3981	52	81	2151	375	65
			11	7079	52	175	3641	593	147
	3	New Hanover	30	575	67	8	427	42	13
		Brunswick	39	488	60	75	325		8
		Onslow	24	649	21	6	471		10
		Duplin	31	797	23	16	703		11
	12		4	2509	171	105	1926	42	42
		Jones	25	292	5		149		6
		Lenoir	26	288	3		149	84	7
		Wayne	40	843	6	34	396		10
	6	Johnson	28	724	11	54	287		13
			4	2147	25	88	981	84	36
			8	4656	196	193	2907	126	78
		Edgcombe	20	657	51		503	57	8
7	5	"	21	502	40	2	337	120	9
		Martin	13	593			419	64	10
		Halifax	14	390			290	65	8
		"	15	514					7
	17	Northampton	16	977		10	685	105	12
			6	3633	91	12	2234	405	54
		Nash	22	685	5	25	513		9
		Warren	23	580	2	2	343		7
	7	Wake	35	743	1	321	49		10
		"	36	794	15	124	394		12
		Franklin	29	653	10	32	414		9
			4	3455	33	504	1713		47
	2		10	7088	124	516	3947	405	101
		Carteret	17	437	54	23	400		8
		Craven	18	1090	154		194	200	16
		Pitt	19	983			650	100	10
2	2	Greene	27	364			188	85	6
			4	2874	208	33	1432	385	40
		Washington,	8	324	27	2	213	65	6
		Beaufort,	11	645	70	12	420		9
7	2	Hyde,	12	997	44		124	100	13

(B.)

CAVALRY.

No. of Companies.	No. Brigade to which attached.	No. of Commissioned Officers.	Total Commissioned, non-commissioned of ficers, musicians, and Privates.	Arms and Accoutrements.			Public Arms.	
				Swords.	horsemen's pistols	Bugles & trumpets.	Horsemen's Pistols.	Sabres.
1	16	6	44		2	1		
2	12	8	73	79	158	2		
2	14	12	80				200	50
3	8	15	121	121	121	5		
6	11	26	244	163	167	7	86	47
7	4	16	265					
24	65	83	827	363	448	15	286	97

(C.)

ARMS Belonging to the State in the Public Arsenals, and in the hands of the MILITIA.

Places of Location.	Muskets,	Rifles.	Horsemen's Pistols.	Sabres.	Non Commissioned Of ficer's Swords.	Musket Accoutrements.	Rifle Accoutrements.	Ordinance.
								6 Pounders.
								4, and carriages.
Arsenal at Raleigh,	3414	1580			18	3310	1504	
Ditto at Fayetteville,	1608	205			191		205	
In hands of the Militia,	3725		517	335	65			
Total.	8847	1785	517	335	374	3310	1709	4, and carriages

(D.)

DELINQUENT OFFICERS.

In Returns to the Adjutant General:

Brigadier General of the 6th Brigade,

" " 17th "

Colonels, 94th, 43d, 81st, 39th, 35th, 27th, 72d,

In Returns to the Major Generals:

Brigadier General of the 18th Brigade,

" " 14th "

" " 6th "

" " 19th "

In Returns to the Brigadier Generals:

Colonels 40th, 15th, 17th, 72d, 73d,

In Reviews:

Brigadier General of the 19th Brigade.

(E.)

Roster of General Officers.

No. div.
& Brig.

1	Major General Duncan McDonald,	27th December,	1820
2	" James McKay,	21st "	1822
3	" John J. Pasteur,	15th "	1828
4	" M. T. Hawkins,	15th "	1828
3	" Thomas G. Polk,	27th "	1829
9	" R. C. Cotton,	27th "	1833
5	" Philip Irion,	9th "	1834
7	" David Newland,	4th "	1834
6			
14	Brig. Gen. Alfred Dockery,	10th "	1827
5	" Louis D. Wilson,	27th "	1827
4	" H. W. Ayer,	29th "	1827
17	" Joseph Arrington,	30th "	1830
11	" William Allen,	1st January,	1831
15	" Alney Burgin,	2d "	1831
8	" Joseph Winston,	15th December,	1831
7	" James Cooke,	16th "	1833
9	" William Horton,	16th "	1833
10	" Edward Bryan,	20th "	1833
13	" H. G. Spruill,	26th "	1833
18	" John Pipkin,		
19	" Benjamin Brittain,		
2	" Wyatt Moye,	3d January,	1833
16	" Thomas Graves,		
6	" Joseph Allison,		
1	" J. N. McPherson,		
12	" Vacant,		
3	" Alexander McRae,		

[HOUSE OF COMMONS, No. 13.]

Legislature of North Carolina—1836.

REPORT

OF

THE COMMITTEE

OF

FINANCE,

1836.

RALEIGH:

Thomas Loring, Printer.

.....
1836.

TREASURY DEPARTMENT, }
December 15th, 1836. }

SIR: I have the honor herewith to transmit to you, to be laid before the General Assembly, such Bank statements as have been received at this Department, since the date of my annual Report.

I have the honor to be,

Very respectfully,

Your obedient servant,

S. F. PATTERSON.

HON. WM. H. HAYWOOD, JR.

Speaker House of Commons.

REPORT.

The Committee of Finance, to whom was referred the exhibits of the several Banks of this State, rendered in compliance with the acts of Assembly, requiring them to make at certain periods, a statement of their affairs; have examined the communications from the respective Institutions, and ascertained them to be in conformity with the several acts on the subject.

Respectfully submitted,

FREDERICK J. HILL,

Chairman Committee House of Commons.

The Committee of Finance, to whom was referred so much of the Governor's Message, as relates to the Revenue, and to the Revenue laws of the State, have directed me to make the accompanying

REPORT,

Your Committee find, from an examination of the reports submitted by the present Treasurer as well as his immediate predecessor in office, that great and important defects exist in the revenue laws of the State. A table annexed to the report of the Treasurer in 1835, shews in his own language, the extraordinary fact, that the property listed for taxation in the year 1815, was fifty three million five hundred and twenty one thousand five hundred and thirteen dollars, (\$53,521,513) while the aggregate value in 1833 was only forty two million, nine hundred and sixteen thousand six hundred and thirty three dollars, (\$42,916,633,) shewing a decrease in the space of eighteen years, of upwards of eleven million of dollars; when to this fact is added, that from the year 1815, to the year 1833, there was entered and patented more than a million acres of vacant lands, which was taken into the aggregate value of 1833, the difference in the valuation at the periods referred to, will be greatly increased, and is well calculated to excite in the public mind, surprise and astonishment. The defects of the system is confined not only to the land tax, but extends to the manner of giving in the poll tax; your committee are fully aware, that the present system should be revised and amended; and owing to the magnitude of the task, as well as the importance of the subject, they respectfully recommend that the subject should be referred to a joint select committee, of two on the part of each House, with instructions to report a Bill, and ask for themselves to be discharged from the further consideration of the reference.

Respectfully submitted,

THOMAS G. POLK, Chairman

	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
Bills and Notes discounted, -	3,098,431 57*		
Suspended Debt, -	41,913 33		
		3,140,344 90	
Bills of Exchange, -		848,501 33	
			3,988,846 23
Real Estate, -			34,346 98
Pension Office, -			182 68
DUE FROM BANKS.			
Philadelphia Bank, -		1 30	
Bank United States, Philadelphia,		340 97	
Bk. Metropolis, Washington City,		1,718 61	
Fulton Bank, New York,		1,721 68	
Bank of Virginia, Petersburg,	75,310 12		
do do Norfolk, -	5,128 27		
		80,438 39	
Farmers' Bank, do -		389 32	
Merchants' Bank, Baltimore,		62 48	
			84,672 75
BANK NOTES IN HAND.			
Bank United States and Branches,		11,880	
Virginia Bank Notes, -		16,860	
North Carolina, do. -		47,221	
			75,961 00
SPECIE.			
Silver, -		422,544 95	
Gold, (Coin) -		324,858 94	
Cents, -		246 52	
			747,650 41
Vouchers unadjusted, -			4,500 00
Bills and Checks in Transitu,			54,516 68
			84,990,676 73
*Of this item, "Bills and Notes discounted," there is due,			
By Directors, -		62,494 36	
" Stockholders, not Directors,		114,691 54	
" Other Individuals,		2,963,159 00	
			\$3,140,344 90

	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
Capital Stock, - -			1,500,000 00
General profit and loss, -			152,471 18
Treasurer of the United States,			676,925 50
Treasurer of United States for Post Office Department, -			3,410 61
PENSION OFFICE.			
Invalid Pensioners, -		14,113 49	
Revolutionary, do. -		11,216 64	
Pensioners under act 1828,		1,743 34	
do " 1832,		11,980 87	
do " 1836,		8,000 00	
			47,054 24
Public Treasurer of N. Carolina,			25,643 68
Dividends unpaid, -			3,183 00
DUE TO BANKS.			
State Bank of North Carolina,		31,782 73	
Bank of Newbern, -		16,189 81	
Farmers' Bank, Petersburg,		21,271 13	
Merchants' Bank, New York,		47,605 86	
Mechanic's Bank, do		619 05	
Dry Dock, do		989 58	
Planters' and Mechanics' Charles- ton, - -		357 81	
Bank of Cape Fear, Wilmington,	2,205 00		
Do Fayetteville, -	54,574 63		
Do Washington, -	5,123 81		
		61,903 44	
Agency Bank U. S. Fayetteville,		3,911 46	
South Bank, Boston, -		2 00	
			184,632 87
NOTES IN CIRCULATION.			
Issued at Raleigh, -		1,166,325 00	
" Newbern, -		244,850 00	
" Tarborough, -		205,655 00	
" Fayetteville, -		253,530 00	
" Wilmington, -		190,900 00	
" Elizabeth City, -		19,665 00	
			2,080,925 00
Individual Deposites, -			316,430 65
			<u>\$4,990,676 73</u>

CHARLES DEWEY, *Cashier.*

State of the Merchants' Bank of Newbern, on Wednesday the 30th of November, 1836.

	Dolls.	Cts.		Dolls.	Cts.
Specie, Gold, and Silver,	\$21,101	68	Capital Stock paid in,	-	-
Notes of Bank of United States,	2,840	00	Notes in circulation,	-	-
Do. " Cape Fear,	5,276	00	Due to Bank of Newbern,	-	1,429 73
Do. Bank of the State of North Carolina,	12,984	16	Due to Bank of Cape Fear, Fayetteville,	-	6,770 00
Branches and Checks,			" " Individual Deposites,	-	65,393 92
			Dividend No. 1, unpaid,	-	484 00
Due from Fulton Bank of New York,	-	-	Dividend No. 2, $4\frac{1}{2}$ per cent, just declared,	-	10,125 00
Due from Bank of Cape Fear, Washington Branch,	-	-	Profit and loss—Surplus,	-	1,186 28
" " Bills of Exchange,	-	-			
Bills receivable discounted,	-	-			
Real Estate,	-	-			
					\$558,193 93

MERCHANTS' BANK OF NEWBERN,
DECEMBER 3, 1836.

S. F. Patterson, Esq. Public Treasurer :

SIR : The above statement of the condition of this Bank, is herewith transmitted to you, for the General Assembly, agreeably to a requisition of the Charter.

With great respect, your obedient servant,

JOHN SNEAD, President.

NOTE.—Of the above sum of Bills receivable of \$373,753 13, there is due from Stockholders, not Directors, \$147,119 00
And due from Directors, 14,300 00
161,419 00

THE NEW YORK PUBLIC LIBRARY

ASTEN LENOX TILDEN FOUNDATION

1871

1871

THE NEW YORK PUBLIC LIBRARY

ASTEN LENOX TILDEN FOUNDATION

1871

JOHN BENTLEY

1871

1871

1871

1871

1871

1871

1871

REPORTS

OF

THE BOARD

OF

Internal Improvements, Cape-Fear Navigation Company,

AND

TRUSTEES OF THE UNIVERSITY.

1837.

RALEIGH:

Thomas Loring, Printer.

.....

1837.

To the General Assembly of the State of North Carolina :

GENTLEMEN :

I herewith send the Report of the Board of Internal Improvement.

RICHARD D. SPAIGHT.

Executive Department, Dec. 30, 1836.

REPORT OF THE BOARD OF INTERNAL IMPROVEMENT.

—000—0—000—

The Board of Internal Improvement respectfully submit the following

REPORT,

The Board having engaged in no work during the year, no person has been appointed under the provisions of the act of the last session, to fill the vacancy in the Board. There being but two reports made to the Board, viz: From the Roanoke and

Cape Fear Navigation Companies, the present situation of all the works are unknown, only so far as the Reports mentioned, give information. These reports are herewith sent.

It appears that the Treasurer of the Cape Fear Navigation Company, has retained from the dividends due the State upon its stock, the sum of one thousand three hundred and seventy-five dollars and fifty-three cents, upon the ground, that the State has not paid for the stock subscribed under the act of 1823, by that amount. The act of 1823, authorized a subscription to the stock of that Company, in behalf of the State, to the amount of twenty-five thousand dollars, upon certain conditions:—one of which was, that the work should be placed under the superintendence of the State. It appears from the books of the Board, that the subscription of the State has been fully paid. It is stated by the company, that part of payment was in the expenses of superintending the work by the agents of the State, and ought not to be charged to the company. On behalf of the State, it is urged that the expenses of superintending is a fair charge. Had the State paid the money to the company, and left the superintendence entirely to it, then the expenses would have been paid from that subscription; and it is immaterial whether the payment of the expenses is made by the State or the Company, if it is to be made out of the State's money. The company, by agreeing to place the work under the superintendence of the State, acquiesced in allowing those charges to be considered as a payment for the Stock by the State.

RICHARD D. SPAIGHT, }
S. F. PATTERSON, } *Board of Internal Improvement.*

Dec. 30, 1836.

EXECUTIVE DEPARTMENT, }
December 31st, 1836. }

To the General Assembly of the State of North Carolina:

GENTLEMEN: I herewith send the Report of Charles Manly, Esq. Treasurer of the Board of Trustees of the University of North Carolina, and the resignation of P. W. Kittrell, as a Trustee thereof.

RICHARD D. SPAIGHT.

RALEIGH, NORTH CAROLINA, 21st Nov. 1836.

To the President and Board of Trustees of the University of North Carolina:

GENTLEMEN: I have the honor to inform you, that the receipts at the Treasury of the University, within the past year, embracing a period from the 20th Nov. 1835, to the 20th Nov. 1836, amount to

\$32,610 99

Which sum being added to

77,233 99

(The balance in the Treasury unexpended on the last annual statement,

viz: on the 20th November, 1835,) forms an aggregate of

\$109,844 98

That the disbursements within the same period, amount to

\$108,965 98

Leaving a balance in the Treasury, at the close of the past year, viz:

20th November, 1836, of

879 0

Which is deposited in the Bank of the State of N. Carolina, at Raleigh.

The receipts at the Treasury as aforesaid, consist of the following items:

1st. Old balance as aforesaid, \$77,238 9

2d. Cash received of Samuel Dickens, Agent, on account of sales

of Western Lands, 621 0

3d. Cash received of the Executor of Col. William Polk, 300 0

4th. Cash received of Dr. James Webb, 30 0

5th. Nett proceeds of Gov. Spaight's note at Bank, 29,324 3

6th. Cash received of Public Treasurer for interest, &c. 1,794 5

7th. Cash received of William F. Collins, Esq. 25 0

8th. Cash received of Angus Taylor, 257 3

9th. Cash received of Anson Bailly, 258 7

\$109,844 9

The various items of disbursements and receipts, are fully exhibited in the account current and vouchers, which accompany this report, and which are submitted as part thereof.

By a Resolution of the Executive committee, adopted on the 5th of January last, I was empowered and directed, as the Treasurer of the Board, to take \$100,000 of the loan authorized by an act of the last session of the General Assembly of the State, at the average price at which the agent of the State might contract for the residue of said State loan; and I was, by said resolution, authorized to borrow money to make up such deficiency in the funds of the Treasury, as might be required to effect said loan. The sum of \$29,324 37 was borrowed of the Bank of the State, which, with cash at that time on hand, enabled me to execute the order of the Committee; and on the 23d March last, I paid into the Public Treasury, the sum of \$100,000; and received from Samuel F. Patterson, Esq. Public Treasurer, one hundred bonds of one hundred dollars each, payable to the Trustees of the University of North Carolina, and executed according to the form required by the Statute.

ready referred to. Thirty of these bonds, from No. 1, to No. 30 inclusive, are pledged to the Bank of the State as collateral security for the money borrowed; the remaining seventy are sealed up in a packet; and by the courtesy of Duncan Cameron, Esq. the President of the Bank, placed in the vault of said Bank, as a special deposit for safe keeping.

From statements furnished by the Bursar at Chapel Hill, it appears that the sum received from the Students for tuition and house rent, for the two sessions of 1836, amount to \$4,380; which sum has been collected and paid out by said Bursar, among the Faculty of the University, in part payment of their salaries.

All which is respectfully submitted,

CHARLES MANLY,

Treasurer University North Carolina.

TO THE BOARD OF INTERNAL IMPROVEMENTS.

GENTLEMEN: I herewith transmit to you the annual Report of the President and Directors, to the Stockholders of the Roanoke Navigation Company, with accompanying documents.

I am very respectfully,
Your obedient servant,

A. JOYNER.

Raleigh, Nov. 24, 1836.

The President and Directors of the Roanoke Navigation Company, respectfully submit the following Report, to the Stockholders in general meeting assembled:

REPORT.

The whole available means of the company were, by an order of the board of Directors, at its last Spring session, directed to the improvement of the sluices, commencing at the head of the canal, and proceeding upward; and placed under the contract and direction of our worthy superintendent, Col. Andrew Joyner; to whose Report, with the accompanying documents, we beg leave to refer this meeting for full information on the several subjects therein embraced. Owing to the total failure of the wheat crop, the past season—the downward freights usually afforded by flour, have been wanting to keep up a constant intercourse with those points on the Roanoke, Dan, and Stanton Rivers, which have heretofore, for several years, been chiefly supplied with heavy articles of merchandize through our canal; and, consequently, the tolls on upward bound boats, have been greatly diminished. It is unpleasant to this board, to be obliged to renew to the Stockholders, who have so long suffered the pain of “hope deferred,” the oft reported declaration of their belief in the ultimate advance in the value of their stock. They do, however, still anticipate a day when it will be held in high estimation; and exhort its present owners to bear, yet a little longer with the meager dividends it is affording; whilst we are, by no means, disposed to make invidious comparisons, we cannot forbear to call your attention to the opinion expressed by some intimately conversant with the subject, that for bulky and heavy articles, no other can compete with water transportation. It should, too, be borne in mind, that most of the Rail Roads now being constructed in our vicinity are to be reared as auxiliaries, and not as rivals to our improvements.

In regard to the future operations of the company, we deem it only necessary to suggest, on this occasion, that the improvement of the sluices on the Roanoke and its tributaries, intended to have been effected the past summer and fall; and which was prevented by the high water prevailing throughout the season, should be entered upon, and prosecuted with all possible despatch the ensuing summer.

The reports of our toll-gatherer and Treasurer, exhibiting detailed statements of the receipts and expenditures of the company for the past fiscal year, are herewith submitted, and show a fund of \$6,368 34, which will afford a dividend of $1\frac{1}{4}$ per cent. on the present amount of stock, and leave a surplus of \$383 34 in the hands of the Treasurer.

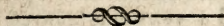
SAMUEL PANNILL, *President.*

Weldon, Nov. 14, 1836.

REPORT

To the President and Directors of the Roanoke Navigation,

BY A. JOYNER, SUPERINTENDENT.



A Resolution of the Board, adopted at their meeting in April last, directed that the hands of the company, as soon as the water in Roanoke river was sufficiently reduced, should be employed during the summer and fall, in improving the sluice navigation thereof, commencing at the entrance of the canal, and regularly progressing upward. In fulfilling the object of the resolution, but little has been effected, owing to continued high water during the whole of the summer, and a portion of the fall. Repeated and dear bought experience has fully proven, that work of this kind can be successfully prosecuted only during seasons of low summer water in the river; and that to attempt it at other times, is a wasteful and almost useless expenditure of labor and money. The hands of the company were, therefore, continued at Weldon during the greater part of the year, on the embankment constructing between the river and the canal, and in the service of the Weldon toll-bridge company; except about one-third of them, (being good boatmen) who found more profitable employment with the contractors of the bridge company. For their labor, the following sums have already been received:

From the Weldon Toll-Bridge Company,	\$692 50
" Bull and Parson's,	247 50
" Welton, Davis, and Company,	500 00
	<hr/>
	\$1,440 00

And there is due from the Portsmouth and Roanoke Rail Road Company, for work on the embankment,

Welton and Davis' estimated amount,	350 00
Squiggins and Apperson,	60 00
	<hr/>
	\$1,640 37½

The hands were thus employed, subject to occasional interruptions in making the necessary repairs on the canal, until the month of July. In June, information was received from Dr. Broadnax, one of the Directors of the Company, that the high freshet in Dan river, which had just occurred, had made a considerable breach in the embankment of the Danville canal; and that he saw no prospect of hiring laborers in that part of the country, to repair the damage. Under his suggestion, the overseer and hands of the company were sent to Danville, as soon as the injury done to the Roanoke canal by a similar cause, could be repaired; and I am informed the works of the company at that place, are now in good condition.

This work being accomplished, the overseer and hands returned, and were employed several weeks on the Roanoke canal. The embankment of the canal, commencing at the stone locks, and extending about half a mile down the river, is conducted along the margin of a marsh. This embankment, upon recent examination, was found to be from twelve to eighteen inches lower than the general elevation of the bank of the canal, owing, no doubt, principally, to the gradual settling of the bank resting on a soft foundation. During seasons of long continued and heavy rains, this depressed portion of the embankment, has been repeatedly overflowed; and three breaches,

from this cause, have occurred in the present year. The necessity of speedily raising this embankment, was too obvious to be overlooked or longer delayed. Immediately after their return from Danville, the hands were employed in this work which has been completed so as to induce a reasonable belief, that it is secure from further danger. Four large gates, too, have been made for the stone locks; and all the gates are now in good order.

As already remarked, but little has been done towards bettering the sluice navigation of the river; and that little confined to Hamlin's shoals, and the navigation thereof. At this place, a new sluice has been opened by blowing rocks, and building walls, which has removed a vexatious source of difficulty and danger at this point. This new work and some small repairs to the old works, comprize all that has been effected on the river. Our hands are now at work, and have been, for the last three weeks, in the service of Welton, Davis & Co.

A resolution of the board passed on the 21st April last, authorised the superintendent of the company, to employ a competent engineer to make a survey of Roanoke river, from Rock Landing to Clarksville, and to report upon the practicability of making the present sluice navigation between those points susceptible of steam boat navigation, within the reasonable means of the company. Under the recommendation of Edward B. Hicks Esquire, a member of the board, and other competent gentlemen Mr. Thomas Blanchard of New York, was engaged to perform this service. It was explained to Mr. Blanchard in a written communication, that the object of the survey which he was employed to make, was to ascertain the practicability of so improving the present bateau navigation, between Rock Landing and Clarksville, as to render the same susceptible of advantageous and profitable steamboat navigation. After having made such survey, and ascertained the object in view attainable, he was requested to suggest the width to which the sluices must be opened, the depth of water to be maintained therein, and the description of boats best adapted to the character of the navigation. He was also informed, it was desirable for him to make suggestions as to the best mode of improving the sluices and shoals, so as more suitably to adapt them, to the description of boats he might recommend, and to furnish an estimate of the expense, which such improvement might probably occasion. A boat having been fitted up for his use, and the necessary hands furnished him, Mr. Blanchard made the contemplated examination of the river in August last, and his report thereon, marked A, is herewith submitted.

At their meeting in April last, the board expressed the wish that during the summer I should visit the State of Connecticut, and examine that portion of Connecticut river where it was represented, steamboat navigation had been successfully established through the falls thereof—to ascertain whether the difficulties overcome there bear any close resemblance to the obstruction in Roanoke river, between Rock Landing and Clarksville, and to endeavor to form some satisfactory opinion as to the probability of successfully establishing similar steamboat navigation between those points. Being unable from the nature of my engagements, to comply with the wishes of the board in this respect, which I much regretted, Edward B. Hicks, Esquire, kindly undertook to perform this service for the company. His able and interesting report affording all the information attainable, is herewith submitted marked B.

By another resolution of the board, passed at their April meeting, I was instructed to ascertain upon what terms the company could purchase from the proprietor one acre of land at the town of Gaston, for the purpose of having placed thereon, a house &c., for the use of their collector of tolls, at that place. Mr. Wilking's reply to my application I made to him, in pursuance of that resolution, accompanies this report marked G.

Weldon Nov. 10th, 1836.

The balance remaining in the hands of the Treasurer at the last settlement on 9th November, 1835, amounted to	Dolls.	Cts.
	9,601	76
Since which period the following sums have been received :		
Rec'd. of Beverly Sydnor, for hire of negroes	\$44	00
" Weldon Toll Bridge Company do	692	50
" Bull and Parsons for hire of do	247	50
" Weldon Davis & Co. do	500	00
	1,484	00
Rec'd. for Dividend declared 15th Jan. 1836, on 15 shares of stock in Farmers Bank of Virginia		60 00
Rec'd for sales of 15 shares of stock in Farmers Bank of Virg.	\$1695	00
Deduct Joseph Marx & Sons' commission for selling	7	50
	1687	50
Refunded by Samuel Pannill, balance due on settlement		7 02
" " Hardy T. Jackson, for 25 bls. corn purchased of him but not delivered,		43 75
Rec'd of Joyner & Smith, for water rents,		275 00
Balance of David Shelton's bond,		94 90
Interest due on Shelton's bond,		36 71
Rec'd of Gordon Coleman, for his portion of expenses in removing obstructions on Banister River-		23 12
Collected from stockholders,		4 00
Interest from do		1 64
Tolls collected on Roanoke canal from 31st October, 1835, to 1st November 1836,	\$6,387	36
Deduct Thomas T. Wiatt's commission for collecting tolls,	319	36
	6068	00
	19,387	40
And that since the period aforesaid the following disbursements have been made:		
For outstanding debts at last general meeting, and expenses incurred since that time,	\$3,767	28
Payments made to Stockholders on account of dividends	7,246	00
	11,013	28
Balance in hands of Treasurer,		8,374 12
WELDON, Nov. 9, 1836.		
By the foregoing statement it will be perceived that the nett amount of tolls collected in the last fiscal year is		6,068 00
The water rents have amounted to		275 00
And the balance remaining to the credit of the dividend fund after declaring the 4th dividend, amounted to		25 34
	\$6,368	34
Which constitute the present dividend fund. A dividend of $1\frac{1}{2}$ per cent on \$399,000, the amount of stock owned in the company, after deducting 13,000, purchased and held by the company, from delinquent and insolvent stockholders, will amount to \$5,985, and will leave a surplus remaining to the credit of the dividend fund of \$383 34.		

REPORT,

Of the Agent of the Cape Fear Navigation Company, to the Board of Internal Improvements.

I herewith forward a general statement of amount of the Company as balanced at the last annual meeting, and for a more particular explanation I refer to former reports.

There was expended on the river between Fayetteville and Wilmington, in removing logs and other obstructions, during the past year, the sum of \$1,525 90, being part of the tolls received.

The tolls received during the year ending 1st May last, amounted to the sum of \$4,726 08 gross, and the articles transported on the river as follows, viz:

DOWN.		UP.	
13,292 Bales Cotton,		43,944 Bushels Salt,	
2,088 Barrels Flour,		2,161 Hogsheads & Pipes,	
429 Hogsheads Tobacco,		4,196 Barrels,	
114 Barrels Spirits,		435 Tierces,	
3,445 Bushels Grain,		351 Tons Bar Iron,	
1,773 Casks Flax Seed,		1,132 Casks Lime,	
\$ 562 80 freight on articles not enumerated; toll 10 per cent.		\$16,905 25, freight on articles not enumerated; toll 10 per cent.	
Toll \$1,698 24.		Toll 3,027 84,	
		1,698 24	
		<hr/>	
		Making \$4,726 08	

There are no debts against the company, except for dividends unclaimed, which amounted at the annual meeting, 3d June last, to \$4,986 82,

The company declared during the year, two semi-annual dividends, of \$1 per share, payable on 1st March and 1st September.

Nothing more done on the river above Fayetteville the past year.

Respectfully submitted

GEORGE M'NEIL Agent.

Condition of the Roanoke Navigation Company, on the 11th November, 1836,

	Dolls	Cents	Dolls	Cents
Capital subscribed by individuals, - -	282,000	00		
" " " State of Virginia, - -	80,000	00		
" " " State of North-Carolina, - -	50,000	00		
			412,000	00
Aggregate of requisitions made on stockholders, -			412,000	00
Amount paid by stockholders, - - -	398,830	72		
Amount due from stockholders, - - -	13,169	28		
			412,000	00
RESOURCES OF THE COMPANY.				
Balance due from stockholders as above, - -	13,169	28		
Cash in hands of Treasurer, - - -	8,374	12		
Debts due to the Company, other than for stock, -	1,640	37		
Thirty-four negroes estimated to be worth -	17,000	00		
Other property consisting of mules, oxen, carts, boats, &c.	1,000	00		
			41,183	77
LIABILITIES OF THE COMPANY.				
Debts due by the company, - - -	550	00		
Due to stockholders on account of 1, 2, 3 & 4 dividends,	5,540	50		
Dividend fund, - - -	6,368	34		
			12,458	84
Amount of dividends paid stockholders since last report,			7,246	00
Expended in the work from its commencement, and in the purchase of negroes and other property,			\$419,948	99

A. JOYNER, Treasurer.

A General Statement of the Accounts of the Cape Fear Navigation Company.

COMPANY
 To Capital Stock 1844½ shares,
 To Profit and Loss, (including reduction of stock.)
 To Toll on River,
 To Dividend Fund,
 To Town Haywood,
 To Dividends unclaimed,
 To Interest, acct.
 To sundry Individuals,

Dr.

Dolls.	Cts.
92,212	50
72,044	64
4,474	73
3,769	44
9,555	20
4,986	89
802	36
23	75
<u>\$187,869</u>	<u>51</u>

COMPANY
 By Canal near Fayetteville,
 By Canal on Haywood, (Buckhorn,)
 By Cape Fear river, (below Fayetteville,) above do,
 By Real Estate,
 By Contingent Expenses,
 By Bonds, Notes, and Judgments,
 By State North Carolina, balance Subscription,
 By Salary acct.
 By Sundry acct's. (individually),
 By Cash on Hand,

Cr.

Dolls.	Cts.
59,478	18
44,028	25
46,948	54
11,335	11
9,813	41
82	75
7,865	15
1,375	53
500	00
4,989	57
1,453	02
<u>\$187,869</u>	<u>51</u>

Fayetteville, Nov. 19th, 1836.
 GEORGE M'NEIL, Treasurer.
 The account has been liquidated in settlement of Dividends, or will be as I suppose.

REPORT
OF
THE COMMITTEE
OF
TWENTY-SIX,
ON
THE SURPLUS REVENUE.

—.....000—000—.....

The Joint Select Committee of twenty-six, who were appointed to inquire into the best investment of that portion of the Surplus Revenue which will be received by North Carolina, under the provisions of the deposit act of the last session of Congress, and to whom were referred various propositions relative to such investment by both Houses of the General Assembly, have attentively considered the same; and

REPORT,

THAT the thirteenth section of the act of Congress "to regulate the deposits of the public money," declares, in substance, that such deposits, in the Treasury of the different States, shall be by way of loan, and not as absolute gifts. This provision, your committee believe, should not be wholly overlooked by the General Assembly, in any disposition it may make of that portion of the public Treasury which is allotted to this State. They are persuaded, nevertheless, that it should be considered and treated as a loan, of a most liberal character, which the State may never be required to repay; and which, it would be most unreasonable to suppose, will be demanded by any exigency of the Federal Treasury for many years to come. Viewed in this aspect, it is a talent committed to the Legislature, for the proper use of which, its members will justly be held accountable to their constituents and country; unless, in their hands, it shall be made productive of great and lasting benefits to the people. How it can be most advantageously applied to the accomplishments of such ends, your committee have experienced much difficulty in determining. The wisdom of statesmen in former times, and in other countries, has been exhibited in devising schemes for raising the revenues actually necessary for the real or imaginary wants of Government; and so novel is the spectacle of a people, not only freed from debt, but with an income vastly exceeding the necessities of Government, the excess of which it is desired to invest for public benefit, that but little light on the subject of this reference, can be derived from the history of the past.

Among the numerous plans of investment referred to them, your committee first considered the propositions of certain banking and canal companies in New York and New Jersey, to borrow the fund due to this State, and are unanimous in the opinion, that these propositions should not be accepted. The great advantage to the States, which were contemplated by the passage of the deposit act, consisted not in the receipts of interest on the sums entrusted to them; but in the renewed life and vigor which would be imparted to their industry and enterprize—their physical and men-

tal improvement, by adding so much to the active capital within their limits. Every Thousand dollars of such deposits, if used as active capital, will furnish employment to one thousand dollars worth of industry in the country where it is used. That encouragement should be given to the industry of the citizens of our own State, in preference to those of other States, so far as it can be done with the public funds, under the control of the Legislature; and that this may be done even without a diminution of the annual profits on such funds, if invested abroad, your committee suppose, can hardly admit of question. They take this occasion to remark, that in their opinion, no one cause has militated so much against the prosperity of North Carolina, as the drain upon her capital and productive labour, which has been in progress for a series of years, and which has been much accelerated within a short time. To say nothing of our contributions to the Federal Government; but a pittance of which has ever been expended within our limits; the large sums of money which are periodically sent to the North to seek permanent employment in stocks, merchandize, city property, and otherwise; and to the South and South-West, to be laid out in lands and slaves, have had a like disastrous effect upon her condition, though not to the same ruinous extent with the *absenteeism* of the landed proprietors of Ireland, so much complained of in that country. By a judicious use of the means now in our hands, this course of impoverishment may, in some degree, be arrested; and the ardent and enterprising of our own people, may find at home, a field for their zeal and energy.

Another objection to such loans is, that the proposed borrowers are not under the control of our Legislature, nor amenable to the jurisdiction of our courts. Your committee believe that the boon conferred by the act of Congress, was poorly worthy of our acceptance, if its only effect shall be to make North Carolina's a surety to the Federal Treasury for the Banks of other States, she receiving for such insurance, only the interest on the sum thus secured, while all the advantages of the use of this vast treasure, are to be enjoyed by the citizens of other States.

Your Committee are also of opinion, that no portion of the public deposits should be applied in aid of the ordinary revenues either for the support of the State Government, or for county purposes. The ordinary taxes levied for these uses, are far from being burthensome to the people; and by a proper adjustment of the valuation of taxable property, will yield a sum quite as great as ought to be desired. It should, moreover, be borne in mind, that those Governments have been distinguished by the greatest purity of administration, and have longest preserved the blessings of liberty, in which the governing power, no matter how constituted, has been dependent for its support, on annual pecuniary levies from the people. To exhaust the surplus revenue in maintaining the current expenses of Government, or to fritter it away, by a division among the several counties, to replenish their treasuries, in the manner proposed by a bill referred by the House of Commons, would be not merely to compromit the dignity of the State, but to interrupt, for a time, only the regular operation of the system of State taxation, and to disappoint the just expectations of our constituents. Your committee, therefore, return said bill to the House, and recommend its rejection.

Your committee have also been instructed to enquire into the propriety of devoting the fund in question, to the establishment of a new Bank, to be owned wholly by the State. A portion of them are confident in the belief, that the establishment of such an institution, would contravene that provision of the Constitution of the United States, which declares that "no State shall emit bills of credit;" and which they are informed, has been judicially expounded, to extend to any paper medium issued by a State, for the purposes of common circulation. Independently of the arguments against the expediency of such a Bank, which have been often urged in the discussions of this subject heretofore, your committee believe that no financial

skill—could successfully manage a Bank founded entirely on a borrowed capital, demandable in certain proportions, at the pleasure of the lender; which must regulate its business according to the necessities of the Federal Government; the fluctuations of party politics—the appropriations made by Congress; and even the movements of individuals of that body, from motives either partizan or patriotic.

The only remaining objects of appropriation, to which the attention of your committee has been called by the direction of the Legislature, are common schools and Internal Improvements. These, your committee recognize as first in importance among all the objects which now claim the patronage of the public; and but for the fiduciary character of the means in their possession, they would meet less difficulty in dedicating the whole fund immediately and irrevocably to these purposes. They, however, propose to devote it to them; while, at the same time, it shall be so invested for the present, as to be capable of recall without great inconvenience, should the State be required to refund any part of the loan. They are aware that public opinion is divided on the question, whether general education, or the improvement of the means of transportation, should be first patronized. Some of your committee were inclined to the opinion, that the whole should be expended on Internal Improvements: in the belief, that opening new avenues to wealth, which are accessible to all classes of the community, would diffuse the means and the disposition for education to an extent almost equal to a direct appropriation for public schools—others on the contrary, insist on claiming the whole as a school fund, as the only mode in which it can be made to benefit equally the whole population. In deference to this conflict of opinion, your committee have been induced to recommend that our whole share of the surplus revenue, shall be devoted equally to popular education and Internal Improvements, that that part which is appropriated to education, shall be added to the “fund for common schools” now existing; and shall be invested for accumulation in Bank stock, by increasing the capital stock of the Bank of Cape Fear, to one million five hundred thousand dollars; in which, there shall be subscribed, of the school fund before mentioned, four hundred thousand dollars; and by increasing the capital stock of the Bank of the State of North Carolina, to two millions of dollars; by a subscription of the school fund aforesaid, for five thousand shares in said Bank. Your committee are fully sensible of the dangers to be apprehended from an excess of Banking capital; and have only consented to this mode of investment, because of a general prevalence of the opinion, that our present capital is too small. They propose, however, to remedy the inconveniences of an excess, should one occur, by a provision in the amended charters for the reduction of the capital stocks of both the Banks, if it shall be found too great for the real demands of business. They also believe that this disposition of the addition to the school fund, can be much more economically and profitably made in the Banks already in existence and in full operation, than in one owned exclusively by the State; not to mention the objections already urged to an institution of the latter character. In all monied transactions, your committee suggests, that experience has generally proved, that individuals having an interest in the adventure, have realized greater profits than mere agents. The proposed investments in Bank may be made without any expense to the school fund, except its portion of the compensation paid to the officers of the Banks. The President and Directors of the Literary fund, by the act of the General Assembly of 1825, will receive the dividends on the shares of that fund, and re-invest them for further increase.

The residue of the public deposits, (which is estimated at nine hundred thousand dollars,) your committee recommend to be added to the fund for Internal Improvements, and be placed under the control of the Board of Internal Improvements. That they shall proceed to loan out the same upon the terms prescribed in the bill herewith reported—that a preference shall be given in making such loans to compa-

nies engaged in constructing works for the Improvement of the means of internal transportation; but that no company shall be allowed to borrow to an amount greater than one half of its capital stock actually subscribed by solvent subscribers; and that satisfactory security, either real or personal, to be judged of by the said Board, shall, in all cases, be given by the borrowers. The President and Directors of the Board of Internal Improvements, are directed, whenever interest shall be received thereon, to make new loans, so as to keep the fund in a course of active accumulation. The President and Directors of the Board of Internal Improvements, have a corporate existence by the act of the General Assembly of 1819, and consist of the Governor, Treasurer, and an agent of public works, appointed by the Legislature, no one of whom receives any compensation for this service, except the last; who is entitled to pay for the time actually spent by him in public employment.

Your committee believe that it will be in the power of the Board greatly to facilitate works of Internal Improvement, by the adoption of the plan proposed; while, at the same time, the fund of the State will accumulate for future use. The regular business of banking, requires such speedy returns of their loans, that neither Rail Road, Canal, nor Manufacturing Companies, can obtain from them, the accommodations necessary for constructing their works. Whereas, the disposition of the fund for Internal Improvements herein recommended, by affording longer time for payment, than is allowed by legitimate Banking operations, will give to them all due encouragement. Your committee have deemed it advisable that this whole fund should be placed under the control of the Board of Internal Improvements, rather than that the loans should be made by the Legislature, for the reason that but few corporations for purposes of Internal improvement are, as yet, in operation in this State; and they desire that the accommodations which may be furnished by the Bill before mentioned, shall be extended, whenever its terms are complied with. As the corporations which may be chartered at this session, will not be organized; and their characters for solvency will be, of course, unknown until after the adjournment, it is deemed to be inexpedient for the General Assembly to designate those to which aid shall be given, or how far it shall extend.

Your committee know full well, that many of our constituents had expected bolder measures on the subject of Internal Improvement, or of public education; or of both, than they have recommended—that fond hopes have been cherished by patriots in every quarter—that the State would immediately be blessed with the full fruition of those advantages for which they may now suppose that but a tardy preparation is about to be made. When, however, it is recollected, that much, as the subject has been agitated, even at this day, public opinion has not settled down on any great work of Internal Improvement, to which the public treasure should first be devoted—that no plan of common schools has yet been devised, which is capable of practical execution in every part of the State; when, moreover, it is remembered, that it is as yet uncertain whether the policy of distributing the excess of the Federal Revenue among the States, will be repeated; and if continued, whether it will be, by way of loan, or in absolute property. Your committee presume, that the present Legislature will, in some degree, deserve the gratitude of their country, if they shall so appropriate the fund confided to her, as to deepen and widen those foundations on which others may erect the superstructure of her happiness and prosperity. To carry into effect the plans herein proposed, they present the Bills marked No. 1, 2, 3, and recommend that they be passed into laws.

Respectfully submitted,

WILLIAM A. GRAHAM, *Chairman Pro Tem*

January 2, 1837.

RESOLUTIONS

And Statistics relating to the Surplus Revenue and other funds of the State.

I. *Resolved*, That the surplus money of the United States, to be deposited with North Carolina, ought not to be kept useless and profitless, but that the same shall be invested in such manner as to secure the capital, and also to advance the great interests of this State.

II. *Resolved*, That the moneys in the State Treasury, and all the stocks belonging to this State, and debts owing to this State (except the bonds for Cherokee Lands, not paid) shall be restored to the Public Treasury, notwithstanding they may have been heretofore allotted to the Board of Internal Improvement or the Literary Fund, and that these, together with the surplus money of the United States aforesaid, shall constitute a common fund, to be regulated and disposed of as follows, to wit:

1st, The State debt of 400,000 dollars, shall be purchased in, and such provisions made by law as will stop the interest; and prohibit the re-issue of the scrip, except it shall be made necessary on a demand by the General Government, for repayment of the surplus money, deposited in North Carolina.

2d. The Literary Fund shall consist of the swamp lands of this State, not heretofore entered by individuals, and also the following stocks, to wit

6,000 shares of the stock in State Bank,	(cost)	\$600,000
2,122 shares of stock in Bank of Cape Fear,	(Do)	212,200

\$812,200

Cash to be immediately invested in Bank Stock,

187,800

Making \$1,000,000

Which is to accumulate as heretofore, for the purposes of education.

2d. The Internal Improvement Fund shall consist of the Cherokee bonds not yet paid (as is now required by law,) the Cherokee Lands not sold, the debts owing to said board, as heretofore constituted, or to the State for funds loaned from the Internal Improvement Fund, and nine hundred and twenty thousand dollars of money, now or hereafter to be received into the Treasury, until otherwise provided by law.

III. *Resolved*, That the President and Directors of the Literary Fund, shall be authorised to expend not exceeding 200,000 dollars, to reclaim the swamp lands belonging to said fund, provided the board think it can be beneficially laid out. His expedient to provide by law for re-organizing the said board, and to clothe them with powers, by which they may be authorized to enter the lands of other persons for the purposes of surveying &c.—to devise a system of equitable assessment, on the lands belonging to individuals, which may be drained by their works, and to enforce the payment thereof with proper restrictions, or to establish rules by which individuals may be allowed to aid in their works when prosecuted, and be exempted from any assessment, and such other constitutional powers as may be needful to put into execution the great improvement herein contemplated, and also to sell the lands which may be reclaimed. But the canal or canals that may be executed by them, shall in no wise be sold to individuals. The board however shall drain the lands, by contract with others at specified prices, agreed on with contractors, who shall give bond and security, to perform the contracts, under such restrictions and upon such conditions as may be prescribed.

IV. *Resolved*, That the Board of Internal Improvement ought to be re-organized; and that they be authorized to subscribe two fifths of the capital stock of the Wilmington and Raleigh Rail Road, as soon as individuals (able to pay it) shall subscribe three fifths of the said capital stock; and that they subscribe in like manner to the Fayetteville and Western Rail Road, for the construction thereof from Fayetteville to the Yadkin River; provided however, that the State will not take stock unless individuals shall subscribe three fifths of the whole amount of the capital, which competent Engineers shall report to be necessary, to complete the Road. Twenty-five per cent, or more, on the shares of individuals, shall be actually paid in, before the State shall be called on to pay anything on her subscription, so as to prevent any imposition on the State by individual stockholders' first expending the money of the public and then failing to pay their own subscriptions, or to enforce collection from delinquents.

V. *Resolved*, That the interest and dividends accruing on the Internal Improvement stocks shall be appropriated to the fund for

Resolved, That the foregoing resolutions after (they are approved by the House) shall be referred to a select Committee or Committees, with instructions to prepare bills for carrying the same into full effect, and said Committee or Committees have leave to sit during the session of this House.

STATEMENT OF FUNDS REFERRED TO IN FOREGOING RESOLUTIONS.

Stock in State Bank 6000 Shares,	\$600,000
Bank of Cape Fear 2122 Shares,	212,200
Cash (see Treasurer's Report,)	38,600
Debt (money loaned to Tennessee River Turnpike Company.)	2,700
Stock in Buncombe Turnpike Company,	5,000
Stock in Cape Fear Navigation Company,	32,000
Stock in Roanoke Navigation Company,	30,000
1959 Shares residue of stock in the Bank of Newbern, estimated at 6 per cent	11,754
3050 Shares do. " " State Bank " 8 per cent	24,400
Surplus Money,	1,911,700

	Total	\$ 2,868,354
For Literary fund,	812,200 stock	
do	187,800 cash to buy stock	

1,000,000

For Redemption of State Debt,	Leaves	\$ 1,868,354
		400,000

For Literary Fund to drain Swamp Lands,	Leaves	\$ 1,268,354
		200,000

Leaves \$ 1,268,354

Consisting of the following to wit:

Surplus money,	1,123,900
Other cash,	38,600
Residue of old Bank Stocks,	36,154
Note, (Turnpike company,)	2,700
Navigation and Road Stocks, good for	67,000

1,268,354

If State subscribes 2-5 to Wilmington

Road it will be	\$ 520,000
Do. Yadkin Road,	400,000

920,000

Leaves (unappropriated.) \$ 348,354

Consisting of the following viz:

Navigation and Turnpike Stocks,	67,000
Old Banks,	36,154
Note and Interest,	2,700
Cash,	38,600
Surplus,	203,900

\$ 348,354

Should a call be made by the General Government for the Surplus, the State will have the following means to answer that call.

Balance unappropriated,	348,354
Literary Fund,	1,000,000
Stocks in Rail Roads,	920,000
Lands of Cherokees,	350,000 (\$ 150,000 less than the estimate made by a committee of this Assembly.)
State Scrip,	400,000

Aggregate \$ 3,018,354

If the Swamp Lands be added, it will swell the sum beyond,

4,000,000

If ever called for, the fund will certainly not be demanded in 6 years; in that time the Literary fund at 7 per cent, (interest re-invested) will increase \$ 501,500. This will make the aggregate means of the State

3,018,354
501,500

Aggregate \$ 3,519,854 besides the Swamp Lands.

No account is taken of bonds for Cherokee Lands in the foregoing statement.

(SENATE---No. 5.)

TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND THE

CHIEFS, HEAD MEN, AND PEOPLE

OF THE

CHEROKEE TRIBE OF INDIANS.

CONCLUDED DECEMBER 29, 1835, WITH SUPPLEMENTARY
ARTICLES, DATED MARCH 1, 1836.

RATIFIED MAY 23, 1836.

(No. 111)

TREASURY

THE UNITED STATES OF AMERICA

AND THE

CHIEF OF BUREAU AND PEOPLE

OF THE

CHIEF OF BUREAU OF INDIAN

— 2 —

OF THE UNITED STATES OF AMERICA

ATTESTED: DATED MARCH 1 1871

DATED MARCH 1 1871



ANDREW JACKSON.

PRESIDENT OF THE UNITED STATES OF AMERICA,

**To all and singular to whom these presents shall come,
Greeting:**

WHEREAS a Treaty was concluded at New Echota, in the State of Georgia, on the twenty-ninth day of December eighteen hundred and thirty-five, by Gen. William Carroll, and John F. Schermerhorn, commissioners on the part of the United States; and the chiefs, head men, and people, of the Cherokee tribe of Indians. **AND WHEREAS** certain articles supplementary to the said Treaty were agreed upon between John F. Schermerhorn, commissioner on the part of the United States, and a delegation of the Cherokee people, on the first day of March, one thousand eight hundred and thirty-six. Which treaty and supplementary articles are in the words following, to wit:

Article of treaty concluded at New Echota in the State of Georgia on the 29th day of December, 1835, by General William Carroll and John F. Schermerhorn commissioners on the part of the United States and the Chiefs, Head Men and People of the Cherokee tribe of Indians.

Whereas the Cherokees are anxious to make some arrangements with the Government of the United States whereby the difficulties they have experienced by a residence within the settled parts of the United States under the jurisdiction and laws of the State Governments may be terminated and adjusted; and with a view to re-uniting their people in one body and securing a permanent home for themselves and their posterity in the country selected by their forefathers without the territorial limits of the State sovereignties; and where they can establish and enjoy a Government of their choice, and perpetuate such a state of society as may be most consonant with their views, habits and condition; and as may tend to their individual comfort and their advancement in civilization.

And whereas a delegation of the Cherokee nation composed of Messrs. John Ross, Richard Taylor, Danl. McCoy, Samuel Gunter, and William Rogers, with full power and authority to conclude a treaty with the United States, did on the 28th day of February 1835, stipulate and agree with the Government of the U. States to submit to the Senate to fix the amount which should be allowed the Cherokees for their claims and for a cession of their lands east of the Mississippi river, and did agree to abide by the award of the Senate of the United States themselves and to recommend the same to their people for their final determination.

And whereas on such submission the Senate advised "that a sum not exceeding five millions of dollars be paid to the Cherokee Indians for all their lands and possessions east of the Mississippi river."

And whereas this delegation after said award of the Senate had been made, were called upon to submit propositions as to its disposition, to be arranged in a treaty, which they refused to do, but insisted that the same "should be referred to

their nation and there in general council to deliberate and determine on the subject in order to ensure harmony and good feeling among themselves."

And whereas a certain other delegation composed of John Ridge Elias Boudinot, Archilla Smith, S. W. Bell, John West, Wm. A. Davis and Ezekiel West, who represented that portion of the nation in favor of emigration to the Cherokee county west of the Mississippi, entered into propositions for a treaty with John F. Schermerhorn commissioner on the part of the United States, which were to be submitted to their nation for their final action and determination :

And whereas the Cherokee people, at their last October council at Red Clay, fully authorized and empowered a delegation or committee of twenty persons of their nation to enter into and conclude a treaty with the United States commissioner then present, *at that place or elsewhere*, and as the people had good reason to believe that a treaty would then and there be made or at a subsequent council at New Echota, which the commissioners it was well known and understood, were authorized and instructed to convene for said purpose; and since the said delegation have gone on to Washington city, with a view to close negotiations there, as stated by them, notwithstanding they were officially informed by the United States, commissioner that they would not be received by the President of the U. States; and that the Government would transact no business of this nature with them, and that if a treaty was made it must be done here in the nation, where the delegation at Washington last winter *urged that it should be done for the purpose of promoting peace and harmony among the people*; and since these facts have also been corroborated to us by a communication recently received by the commissioner from the Government of the United States and read and explained to the people in open council, and therefore believing said delegation can effect nothing, and since our difficulties are daily increasing and our situation is rendered more and more precarious uncertain and insecure in consequence of the legislation of the States; and seeing no effectual way of relief, but in accepting the liberal overtures of the United States.

And whereas Gen. William Carroll and John F. Schermerhorn were appointed commissioners on the part of the United States, with full power and authority to conclude a treaty with the Cherokees east, and were directed by the President to convene the people of the nation in general council at New Echota, and to submit said propositions to them with power and authority to vary the same so as to meet the views of the Cherokees in reference to its details.

And whereas the said commissioners did appoint and notify a general council of the nation to convene at New Echota, on the 21st day of December 1835; and informed them that the commissioners would be prepared to make the treaty with the Cherokee people who should assemble there, and those who did not come they should conclude gave their assent and sanction to whatever should be transacted at this council and the people having met in council according to said notice.

Therefore the following articles of a treaty are agreed upon and concluded between William Carroll and John F. Schermerhorn, commissioners on the part of the United States and the chiefs head men and people of the Cherokee nation, in general council assembled this 29th day of Dec. 1835.

ARTICLE 1. The Cherokee nation hereby cede relinquish and convey to the United States all the lands owned claimed or possessed by them east of the Mississippi river, and hereby release all their claims upon the United States for spoliation of every kind for and in consideration of the sum of five millions of dollars to be expended paid and invested in the manner stipulated and agreed upon in the following articles. But as a question has arisen between the commissioners and the Cherokees whether the Senate in their resolution by which they ad

vised "that a sum not exceeding five millions of dollars be paid to the Cherokee Indians for all their lands and possessions east of the Mississippi river," have included and made any allowance or consideration for claims for spoliation, it is therefore agreed on the part of the United States that this question shall be again submitted to the Senate for their consideration and decision, and if no allowance was made for spoliation, that then an additional sum of three hundred thousand dollars be allowed for the same.

ARTICLE 2. Whereas by the treaty of May 6th 1828 and the supplementary treaty thereto of Feb. 14th, 1833, with the Cherokees west of the Mississippi, the United States guaranteed and secured to be conveyed by patent, to the Cherokee nation of Indians the following tract of country: "Beginning at a point on the old western territorial line of Arkansas Territory, being twenty-five miles north from the point where the territorial line crosses Arkansas river, thence running from said north point south on the said territorial line where the said territorial line crosses Verdigris river; thence down said Verdigris river to the Arkansas river; thence down said Arkansas to a point where a stone is placed opposite the east or lower bank of Grand river, at its junction with the Arkansas; thence running south forty four degrees west one mile; thence in a straight line to a point four miles northerly, from the mouth of the north fork of the Canadian; thence along the said four mile line to the Canadian; thence down the Canadian to the Arkansas; thence down the Arkansas to that point on the Arkansas where the eastern Choctaw boundary strikes said river and running thence with the western line of Arkansas Territory as now defined, to the southwest corner of Missouri; thence along the Western Missouri line to the land assigned the Senecas; thence on the south line of the Senecas to Grand river; thence up said Grand river as far as the south line of the Osage reservation, extended if necessary; thence up and between said south Osage line extended west if necessary, and a line drawn due west from the point of beginning to a certain distance west, at which a line running north and south from said Osage line to said due west line will make seven millions of acres within the whole described boundaries. In addition to the seven millions of acres of land thus provided for and bounded, the United States further guaranty to the Cherokee nation a perpetual outlet west, and a free and unmolested use of all the country west of the western boundary of said seven millions of acres, as far west as the sovereignty of the United States and their right of soil extend:

Provided however, That if the saline or salt plain on the western prairie shall fall within said limits prescribed for said outlet, the right is reserved to the United States to permit other tribes of red men to get salt on said plain in common with the Cherokees; And letters patent shall be issued by the U. States as soon as practicable for the land hereby guaranteed."

And whereas it is apprehended by the Cherokees, that in the above cession there is not contained a sufficient quantity of land for the accommodation of the whole nation on their removal west of the Mississippi, the United States in consideration of the sum of five hundred thousand dollars therefore hereby covenant and agree to convey to the said Indians, and their descendants, by patent in fee simple, the following additional tract of land situated between the west line of the State of Missouri and the Osage reservation beginning at the southeast corner of the same, and runs north along the east line of the Osage lands fifty miles to the northeast corner thereof; and thence east to the west line of the State of Missouri; thence with said line south fifty miles; thence west to the place of beginning; estimated to contain eight hundred thousand acres of land; but it is expressly understood that if any of the lands assigned the Quapaws shall fall within the aforesaid bounds the same shall be reserved and excepted out of the lands

above granted, and a pro rata reduction shall be made in the price to be allowed to the United States for the same by the Cherokees.

ARTICLE 3. The United States also agree that the lands above ceded by the treaty of Feb. 14, 1823, including the outlet and those ceded by this treaty, shall all be included in one patent executed to the Cherokee nation of Indians by the President of the United States, according to the provisions of the act of May 28, 1830. It is, however, agreed that the military reservation at Fort Gibson shall be held by the United States. But should the United States abandon said post and have no further use for the same it shall revert to the Cherokee nation. The United States shall always have the right to make and establish such post and military roads and forts in any part of the Cherokee country, as they may deem proper for the interest and protection of the same, and the free use of as much land, timber, fuel and materials of all kinds for the construction and support of the same as may be necessary: provided, that if the private rights of individuals are interfered with, a just compensation therefor shall be made.

ARTICLE 4. The United States also stipulate and agree to extinguish for the benefit of the Cherokees the titles to the reservations within their country made in the Osage treaty of 1825, to certain half-breeds, and for this purpose they hereby agree to pay to the persons to whom the same belong or have been assigned, or to their agents or guardians, whenever they shall execute, after the ratification of this treaty, a satisfactory conveyance for the same, to the United States, the sum of fifteen thousand dollars according to a schedule accompanying this treaty of the relative value of the several reservations.

And whereas by the several treaties between the United States and the Osage Indians, the Union and Harmony Missionary reservations which were established for their benefit are now situated within the country ceded by them to the United States; the former being situated in the Cherokee country and the latter in the State of Missouri. It is therefore agreed, that the United States shall pay the American Board of Commissioners for Foreign Missions, for the improvements on the same what they shall be appraised at by Capt. Geo. Vashon, Cherokee sub-agent, Abraham Redfield and A. P. Chouteau, or such persons as the President of the United States shall appoint, and the money allowed for the same shall be expended in schools among the Osages and improving their condition. It is understood that the United States are to pay the amount allowed for the reservations in this article and not the Cherokees.

ARTICLE 5. The United States hereby covenant and agree that the lands ceded to the Cherokee nation in the foregoing article shall, in no future time without their consent, be included within the territorial limits or jurisdiction of any State or Territory. But they shall secure to the Cherokee nation the right, by their national councils, to make and carry into effect all such laws as they may deem necessary for the government and protection of the persons and property within their own country, belonging to their people or such persons as have connected themselves with them: provided always, that they shall not be inconsistent with the constitution of the United States and such acts of Congress as have been or may be passed, regulating trade and intercourse with the Indians; and also, that they shall not be considered as extending to such citizens and army of the United States as may travel or reside in the Indian country by permission, according to the laws and regulations established by the Government of the same.

ARTICLE 6. Perpetual peace and friendship shall exist between the citizens of the United States and the Cherokee Indians. The United States agree to protect the Cherokee nation from domestic strife and foreign enemies and against intestine wars between the several tribes. The Cherokees shall endeavor to

preserve and maintain the peace of the country, and not make war upon their neighbors, they shall also be protected against interruption and intrusion from citizens of the United States, who may attempt to settle in the country without their consent; and all such persons shall be removed from the same by order of the President of the United States. But this is not intended to prevent the residence among them of useful farmers, mechanics and teachers for the instruction of Indians according to treaty stipulations.

ARTICLE 7. The Cherokee nation having already made great progress in civilization, and deeming it important that every proper and laudable inducement should be offered to their people to improve their condition, as well as to guard and secure in the most effectual manner the rights guarantied to them in this treaty, and with a view to illustrate the liberal and enlarged policy of the Government of the United States towards the Indians in their removal beyond the territorial limits of the States, it is stipulated that they shall be entitled to a delegate in the House of Representatives of the United States, whenever Congress shall make provision for the same.

ARTICLE 8. The United States also agree and stipulate to remove the Cherokees to their new homes and to subsist them one year after their arrival there, and that a sufficient number of steamboats and baggage-wagons shall be furnished to remove them comfortably, and so as not to endanger their health, and that a physician well supplied with medicines shall accompany each detachment of emigrants removed by the Government. Such persons and families as, in the opinion of the emigrating agent are capable of subsisting and removing themselves shall be permitted to do so; and they shall be allowed in full for all claims for the same, twenty dollars for each member of their family; and in lieu of their one year's rations they shall be paid the sum of thirty-three dollars and thirty-three cents if they prefer it.

Such Cherokees also as reside at present out of the nation and shall remove with them in two years west of the Mississippi, shall be entitled to allowance for removal and subsistence as above provided.

ARTICLE 9. The United States agree to appoint suitable agents, who shall make a just and fair valuation of all such improvements now in the possession of the Cherokees as add any value to the lands; and also of the ferries owned by them, according to their nett income; and such improvements and ferries from which they have been dispossessed in a lawless manner or under any existing laws of the State where the same may be situated.

The just debts of the Indians shall be paid out of any moneys due them for their improvements and claims, and they shall also be furnished at the discretion of the President of the United States, with a sufficient sum to enable them to obtain the necessary means to remove themselves to their new homes, and the balance of their dues shall be paid them at the Cherokee agency west of the Mississippi. The missionary establishments shall also be valued and appraised in a like manner, and the amount of them paid over by the United States to the treasurers of the respective missionary societies by whom they have been established and improved, in order to enable them to erect such buildings and make such improvements among the Cherokees west of the Mississippi as they may deem necessary for their benefit. Such teachers at present among the Cherokees as this council shall select and designate, shall be removed west of the Mississippi with the Cherokee nation, and on the same terms allowed to them.

ARTICLE 10. The President of the United States shall invest in some safe and most productive public stocks of the country, for the benefit of the whole Cherokee nation who have removed or shall remove to the lands assigned by this treaty; to the Cherokee nation west of the Mississippi, the following sums as a

permanent fund for the purposes hereinafter specified, and pay over the net income of the same annually to such person or persons as shall be authorized or appointed by the Cherokee nation to receive the same, and their receipt shall be a full discharge for the amount paid to them, viz: the sum of two hundred thousand dollars in addition to the present annuities of the nation, to constitute a general fund the interest of which shall be applied annually by the council of the nation to such purposes as they may deem best for the general interest of their people. The sum of fifty thousand dollars to constitute an orphans' fund the annual income of which shall be expended towards the support and education of such orphan children as are destitute of the means of subsistence. The sum of one hundred and fifty thousand dollars, in addition to the present school fund of the nation, shall constitute a permanent school fund, the interest of which shall be applied annually by the council of the nation for the support of common schools and such a literary institution of a higher order as may be established in the Indian country. And in order to secure as far as possible the true and beneficial application of the orphan's and school fund, the council of the Cherokee nation, when required by the President of the United States, shall make a report of the application of those funds and he shall at all times, have the right if the funds have been misapplied, to correct any abuses of them and direct the manner of their application for the purposes for which they were intended. The council of the nation may by giving two years' notice of their intention withdraw their funds by and with the consent of the President and Senate of the United States, and invest them in such manner as they may deem most proper for their interest. The United States also agree and stipulate to pay the just debts and claims against the Cherokee nation, held by the citizens of the same, and also the just claims of citizens of the United States, for services rendered to the nation and the sum of sixty thousand dollars is appropriated for this purpose; but no claims against individual persons of the nation shall be allowed and paid by the nation. The sum of three hundred thousand dollars is hereby set apart to pay and liquidate the just claims of the Cherokees upon the United States for spoiliations of every kind, that have not been already satisfied under former treaties.

ARTICLE 11. The Cherokee nation of Indians believing it will be for the interest of their people to have all their funds and annuities under their own direction and future disposition, hereby agree to commute their permanent annuity of ten thousand dollars for the sum of two hundred and fourteen thousand dollars, the same to be invested by the President of the United States as a part of the general fund of the nation; and their present school fund amounting to about fifty thousand dollars shall constitute a part of the permanent school fund of the nation.

ARTICLE 12. Those individuals and families of the Cherokee nation that are averse to a removal to the Cherokee country west of the Mississippi, and are desirous to become citizens of the States where they reside, and such as are qualified to take care of themselves and their property, shall be entitled to receive their due portion of all the personal benefits accruing under this treaty for their claims, improvements, and *per capita*; as soon as an appropriation is made for this treaty.

Such heads of Cherokee families as are desirous to reside within the States of North Carolina, Tennessee and Alabama, subject to the laws of the same, and who are qualified or calculated to become useful citizens, shall be entitled, on the certificate of the commissioners to a pre-emption right to one hundred and sixty acres of land or one quarter section at the minimum Congress price; so as to include the present buildings or improvements of those who now reside there, and such as do not live there at present shall be permitted to locate within two years any lands not already occupied by persons entitled to pre-emption privilege under this treaty; and if two or more families live on the same quarter section and

they desire to continue their residence in these States and are qualified as above specified they shall, on receiving their pre-emption certificate be entitled to the right of pre-emption to such lands as they may select not already taken by any person entitled to them under this treaty.

It is stipulated and agreed between the United States and the Cherokee people that John Ross, James Starr, George Hicks, Jon Grunter, George Chambers, John Ridge, Elias Boudinot, George Sanders, John Martin, William Rogers, Roman Nose Situwake, and John Timpson shall be a committee on the part of the Cherokees to recommend such persons for the privilege of pre-emption rights as may be deemed entitled to the same under the above articles, and to select the missionaries who shall be removed with the nation; and that they be hereby fully empowered and authorized to transact all business on the part of the Indians, which may arise in carrying into effect the provisions of this treaty, and settling the same with the United States. If any of the persons above mentioned should decline acting or be removed by death; the vacancies shall be filled by the committee themselves.

It is also understood and agreed that the sum of one hundred thousand dollars shall be expended by the commissioners, in such manner as the committee deem best, for the benefit of the poorer class of Cherokees as shall remove west or have removed west and are entitled to the benefits of this treaty. The same to be delivered at the Cherokee agency west, as soon after the removal of the nation as possible.

ARTICLE 13. In order to make a final settlement of all the claims of the Cherokees for reservations granted under former treaties to any individuals belonging to the nation by the United States, it is therefore hereby stipulated and agreed and expressly understood by the parties to this treaty—that all the Cherokees and their heirs and descendants to whom any reservations have been made under any former treaties with the United States, and who have not sold or conveyed the same by deed or otherwise, and who in the opinion of the commissioners have complied with the terms on which the reservations were granted as far as practicable in the several cases; and which reservations have since been sold by the United States, shall constitute a just claim against the United States; and the original reservee or their heirs or descendants shall be entitled to receive the present value thereof from the United States, as unimproved lands. And all such reservations as have not been sold by the United States, and where the terms on which the reservations were made in the opinion of the commissioners, have been complied with as far as practicable, they or their heirs or descendants shall be entitled to the same. They are hereby granted and confirmed to them—and also all persons who were entitled to reservations under the treaty of 1817, and who as far as practicable in the opinion of the commissioners, have complied with the stipulations of said treaty, although by the treaty of 1819 such reservations were included in the unceded lands belonging to the Cherokee nation, are hereby confirmed to them and they shall be entitled to receive a grant for the same. And all such reservees as were obliged by the laws of the States in which their reservations were situated, to abandon the same or purchase them from the States, shall be deemed to have a just claim against the United States for the amount by them paid to the States, with interest thereon for such reservations, and if obliged to abandon the same, to the present value of such reservations as unimproved lands, but in all cases where the reservees have sold their reservations or any part thereof, and conveyed the same by deed or otherwise and have been paid for the same, they their heirs or descendants or their assigns shall not be considered as having any claims upon the United States, under this article of

the treaty, nor be entitled to receive any compensation for the lands thus disposed of. It is expressly understood by the parties to this treaty, that the amount to be allowed for reservations under this article shall not be deducted out of the consideration money allowed to the Cherokees for their claims for spoliation and the cession of their lands; but the same is to be paid for independently by the United States, as it is only a just fulfilment of former treaty stipulations.

ARTICLE 14. It is also agreed on the part of the United States, that such warriors of the Cherokee nation as were engaged on the side of the United States in the late war with Great Britain and the southern tribes of Indians, and who were wounded in such service, shall be entitled to such pensions as shall be allowed them by the Congress of the United States, to commence from the period of their disability.

ARTICLE 15. It is expressly understood and agreed between the parties to this treaty that after deducting the amount which shall be actually expended for the payment for improvements, ferries, claims for spoliation, removal, subsistence and debts and claims upon the Cherokee nation, and for the additional quantity of lands and goods for the poorer class of Cherokees, and the several sums to be invested for the general national funds, provided for in the several articles of this treaty, the balance what ever the same may be shall be equally divided between all the people belonging to the Cherokee nation east, according to the census just completed; and such Cherokees as have removed west since June 1833, who are entitled by the terms of their enrolment and removal to all the benefits resulting from the final treaty between the United States and the Cherokees east, they shall also be paid for their improvements, according to their approved value, before their removal where fraud has not already been shown in their valuation.

ARTICLE 16. It is hereby stipulated and agreed by the Cherokees that they shall remove to their new homes within two years from the ratification of this treaty, and that during such time the United States shall protect and defend them in their possessions and property and free use and occupation of the same, and such persons as have been dispossessed of their improvements and houses, and for which no grant has actually issued previously to the enactment of the law of the State of Georgia, of December 1835 to regulate Indian occupancy, shall be again put in possession and placed in the same situation and condition in reference to the laws of the State of Georgia as the Indians that have not been dispossessed; and if this is not done, and the people are left unprotected, then the United States shall pay the several Cherokees for the losses and damages sustained by them in consequence thereof. And it is also stipulated and agreed that the public buildings and improvements on which they are situated at New Echota, for which no grant has been actually made previous to the passage of the above recited act, if not occupied by the Cherokee people shall be reserved for the public and free use of the United States and the Cherokee Indians, for the purpose of settling and closing all the Indian business arising under this treaty between the commissioners of claims and the Indians.

The United States, and the several States interested in the Cherokee lands, shall immediately proceed to survey the lands ceded by this treaty; but it is expressly agreed and understood between the parties that the agency buildings and that tract of land surveyed and laid off for the use of Colonel R. J. Meigs, Indian agent, or heretofore enjoyed and occupied by his successors in office shall continue subject to the use and occupancy of the United States, or such agent as may be engaged specially superintending the removal of the tribe.

ARTICLE 17. All the claims arising under or provided for in the several articles of this treaty, shall be examined and adjudicated by Gen Wm. Carroll and John F. Schermerhorn, or by such commissioners as shall be appointed by

the President of the United States for that purpose and their decision shall be final and on their certificate of the amount due the several claimants they shall be paid by the United States. All stipulations in former treaties which have not been superseded or annulled by this shall continue in full force and virtue.

ARTICLE 18. Whereas in consequence of the unsettled affairs of the Cherokee people, and the early frosts, their crops are insufficient to support their families and great distress is likely to ensue, and whereas the nation will not, until after their removal, be able advantageously to expend the income of the permanent funds of the nation, it is therefore agreed that the annuities of the nation which may accrue under this treaty for two years, the time fixed for their removal, shall be expended in provision and clothing for the benefit of the poorer class of the nation; and the United States hereby agree to advance the same for that purpose as soon after the ratification of this treaty as an appropriation for the same shall be made. It is however not intended in this article to interfere with that part of the annuities due the Cherokees west by the treaty of 1819.

ARTICLE 19. This treaty, after the same shall be ratified by the President and Senate of the United States, shall be obligatory on the contracting parties.

In testimony whereof the commissioners and the chiefs, head men and people, whose names are hereunto annexed, being duly authorized by the people in general council assembled, have affixed their hands and seals for themselves and in behalf of the Cherokee nation.

I have examined the foregoing treaty, and although not present when it was made, I approve its provisions generally, and therefore sign it

Wm. Carroll,	[L. s.]	J. F. Schermerhorn,	[L. s.]
Major Ridge his x mark,	[L. s.]	James Foster, his x mark,	[L. s.]
Tesa-ta-esky, his x mark,	[L. s.]	Charles Moore his x mark,	[L. s.]
George Chambers his x mark,	[L. s.]	Tah-yeske, his x mark,	[L. s.]
Archilla Smith, his x mark,	[L. s.]	Andrew Ross,	[L. s.]
William Lassley,	[L. s.]	Caete-hee, his x mark,	[L. s.]
Te-gah-e-ske, his x mark,	[L. s.]	Robert Rogers,	[L. s.]
John Gunter,	[L. s.]	John A. Bell,	[L. s.]
Charles F. Foreman,	[L. s.]	William Rogers,	[L. s.]
George W. Adair,	[L. s.]	Elias Boudinot,	[L. s.]
James Starr, his x mark,	[L. s.]	Jesse Half-breed, his x mark,	[L. s.]

Signed and sealed in presence of Western B. Thomas, *Sec'y.* Ben. F. Currey, *Special Agent.* M. Wolf Bateman, *1st Lt. 6th U. S. A inf.* Disb'g. Agent. Jno. L. Hooper, *Lt. 4th inf.* C. M. Hitchcock, *M. D. Assist. Surg. U. S. A.* G. W. Currey, Wm. H. Underwood, Cornelius D. Terhune, John W. H. Underwood.

In compliance with instructions of the council at New Echota we sign this treaty.

March 1, 1836.

Witnesses:

ELBERT HERRING,
ALEXANDER H. EVERETT,
JOHN ROBB,
D. KURTZ,
WM. Y. HANSELL,
SAMUEL J. POTTS,
JOHN LITTLE,
S. ROCKWELL

STAND WAITE,
JOHN RIDGE.

The following article was adopted as a supplemental article to the treaty by a unanimous vote of the committee and ordered to be attached to and considered as part of this treaty.

ARTICLE 20. The United States do also hereby guaranty the payment of all unpaid just claims upon the Indians, without expense to them, out of the proper funds of the United States, for the settlement of which a cession or cessions of land has or have been heretofore made by the Indians, in Georgia. Provided, the United States or the State of Georgia has derived benefit from the said cession or cessions of land without having made payment to the Indians therefor. It is hereby however further agreed and understood that if the Senate of the United States disapprove of this article, it may be rejected without impairing any other provision of this treaty, or affecting the Indians in any manner whatever.

A. MCCOY, *Clerk Committee.*

W. B. THOMAS, *Secretary.*

In compliance with the unanimous request of the Committee of the Cherokee nation in general council assembled, it is consented and agreed by the commissioner on the part of the United States that the foregoing shall be added as a supplemental article to the treaty; under the express condition and stipulation that if the President or Senate of the United States disapprove of this article, it may be rejected without impairing any other provision of this treaty, or affecting the Indians in any manner whatever.

J. F. SCHERMERHORN.

Whereas the Western Cherokees have appointed a delegation to visit the eastern Cherokees, to assure them of the friendly disposition of their people and their desire that the nation should again be united as one people, and to urge upon them the expediency of accepting the overtures of the Government; and that, on their removal they may be assured of a hearty welcome and an equal participation with them in all the benefits and privileges of the Cherokee country west, and the undersigned two of said delegation being the only delegates in the eastern nation from the west at the signing and sealing of the treaty lately concluded at New Echota between their eastern brethren and the United States; and having fully understood the provisions of the same they agree to it in behalf of the western Cherokees. But it is expressly understood that nothing in this treaty shall affect any claims of the western Cherokees on the United States.

In testimony whereof, we have, this 31st day of December, 1835, hereunto set our hands and seals.

JAMES ROGERS, [L. s.]

his

JOHN X SMITH, [L. s.]

mark

Delegates from the western Cherokees.

Test:

BEN. F. CURREY,

Special Agent.

M. W. BATEMAN,

First Lieut. 6th infantry.

JOHN L. HOOPER,

Lt. 4th inf.

ELLAS BOUDINOT.

Schedule and estimated value of the Osage half-breed reservations within the territory ceded to the Cherokees west of the Mississippi, (referred to in article 5 of the foregoing treaty.) viz :

Augustus Clarmont one section	\$ 6,000
James " " "	1,000
Paul " " "	1,300
Henry " " "	800
Anthony " " "	1,800
Rosalie " " "	1,800
Emila D, of Mihanga	1,000
Emila D, of Shemianga	1,300
	<hr/>
	\$ 15,000

I hereby certify that the above schedule is the estimated value of the Osage reservations; as made out and agreed upon with Colonel A. P. Choteau, who represented himself as the agent or guardian of the above reservees.

March 14, 1835.

J. F. SCHERMERHORN.

Supplementary articles to a treaty concluded at New Echota, Georgia, December 29, 1835, between the United States and Cherokee people.

Whereas the undersigned were authorized at the general meeting of the Cherokee people held at New Echota, as above stated, to make and assent to such alterations in the preceeding treaty as might be thought necessary, and, whereas the President of the United States has expressed his determination not to allow any pre-emptions or reservations, his desire being that the whole Cherokee people should remove together and establish themselves in the country provided for them west of the Mississippi river.

ARTICLE 1. It is therefore agreed that all the pre-emption rights and reservations provided for in articles 12 and 13, shall be and are hereby relinquished and declared void.

ARTICLE 2. Whereas the Cherokee people have supposed that the sum of five millions of dollars fixed by the Senate in their resolution of—day of March, 1835, as the value of the Cherokee lands and possessions east of the Mississippi river, was not intended to include the amount which may be required to remove them, nor the value of certain claims which many of their people had against citizens of the United States, which suggestion has been confirmed by the opinion expressed to the War Department by some of the Senators, who voted upon the question, and whereas the President is willing that this subject should be referred to the Senate for their consideration, and if it was not intended by the Senate that the above-mentioned sum of five millions of dollars should include the objects herein specified, that in that case such further provision should be made therefor, as might appear to the Senate to be just.

ARTICLE 3. It is therefore agreed that the sum of six hundred thousand dollars shall be and the same is hereby allowed to the Cherokee people, to include the expense of their removal, and all claims of every nature and description against the Government of the United States, not herein otherwise expressly provided for, and to be in lieu of the said reservations and pre-emptions and of the sum of three hundred thousand dollars for spoliation described in the 1st article of the above-mentioned treaty. This sum of six hundred thousand dollars shall be applied and distributed agreeably to the provisions of the said treaty, and any surplus which may remain after removal and payment of the claims so ascertained shall be turned over and belong to the education fund.

But it is expressly understood that the subject of this article is merely referred hereby to the consideration of the Senate, and if they shall approve the same then this supplement shall remain part of the treaty.

ARTICLE 4. It is also understood that the provisions in article 16, for the agency reservation is not intended to interfere with the occupant right of any Cherokees, should their improvement fall within the same.

It is also understood and agreed, that the one hundred thousand dollars appropriated in article 12, for the poorer class of Cherokees, and intended as a set-off to the pre-emption rights shall now be transferred from the funds of the nation and added to the general national fund of four hundred thousand dollars so as to make said fund equal to five hundred thousand dollars.

ARTICLE 5. The necessary expences attending the negotiation of the aforesaid treaty and supplement, and also of such persons of the delegation as may sign the same, shall be defrayed by the United States.

In testimony whereof John F. Schermerhorn, commissioner on the part of the United States, and the undersigned delegation have hereunto set their hands and seals, this first day of March, in the year one thousand eight hundred and thirty-six.

J. F. Schermerhorn,	[L. s.]	Major Ridge, his x mark,	[L. s.]
James Foster, his x mark,	[L. s.]	Tahye-ske, his x mark,	[L. s.]
Long S. Turtle, his x mark	[L. s.]	John Ridge,	[L. s.]
John Fields, his x mark,	[L. s.]	James Rogers,	[L. s.]
James Fields, his x mark,	[L. s.]	John Smith, his x mark.	[L. s.]
George Welch, his x mark,	[L. s.]	Witnesses:	
Andrew Ross,	[L. s.]	Elbert Herring,	
William Rogers,	[L. s.]	Thos. Glascock,	
John Gunter,	[L. s.]	Alexander H. Everett,	
John A. Bell,	[L. s.]	Jno. Garland, Majr. U. S. A.	
Jos. A. Foreman,		C. A. Harris,	
Robert Sanders,	[L. s.]	John Robb,	
Elias Boudinot,	[L. s.]	Wm. Y. Hansell,	
Johnson Rogers,	[L. s.]	Saml. J. Potts,	
James Starr, his x mark.	[L. s.]	John Little,	
Stand Watie.	[L. s.]	S Rockwell.	

NOW THEREFORE BE IT KNOWN, THAT I, ANDREW JACKSON, President of the United States of America, having seen and considered the said Treaty, and also the Supplementary Article thereunto annexed, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the eighteenth day of May, one thousand eight hundred and thirty-six, accept, ratify, and confirm the same, with the following amendments thereto, as expressed in the aforesaid resolution of the Senate. "Article 17, lines 2 and 3, strike out the words "by Gen. William Carroll and John F. Schermerhorn, or." "In the 4th line of the same article, after the word 'States,' insert 'by and with the advice and consent of the Senate of the United States.'" "Strike out the 20th article which appears as a supplemental article."

IN TESTIMONY WHEREOF, I have caused the seal of the United States to be hereunto affixed, having signed the same with my hand.



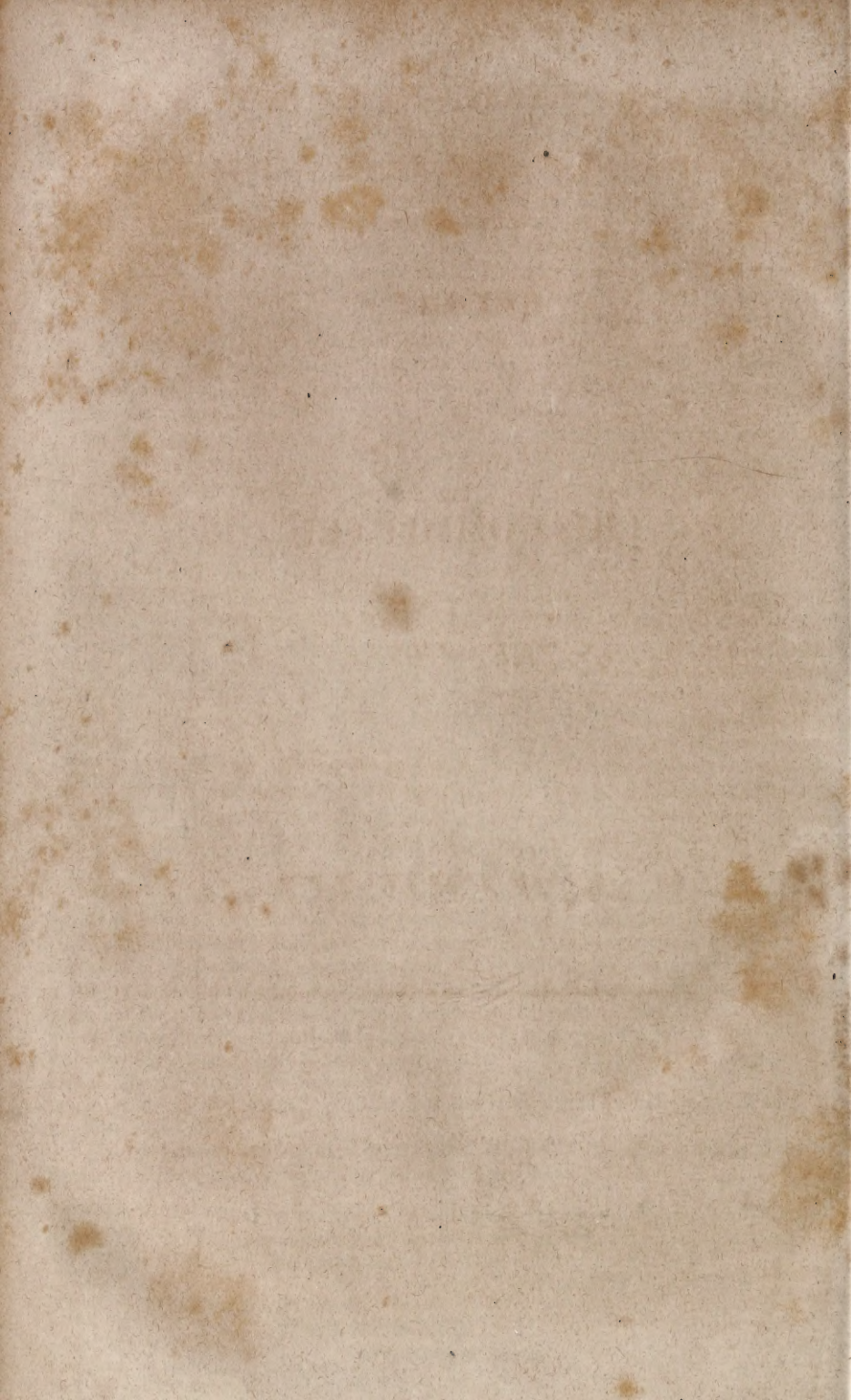
Done at the city of Washington, this twenty-third day of May, in the year of our Lord one thousand eight hundred and thirty-six, and of the independence of the United States the sixtieth:

ANDREW JACKSON.

By the President:

JOHN FORSYTH,

Secretary of State.



[SENATE—No. 6.]

Legislature of North Carolina—1836.

REPORT

OF

THE COMMITTEE

ON THE SUBJECT

OF

PUBLIC AND PRIVATE ACTS.

RALEIGH:

Thomas Loring, Printer.

.....
1836.

REPORT.



The Committee to whom was referred the resolution to inquire into the expediency of defining the distinction, between what are denominated public and private acts, have given to the subject much consideration, and

REPORT,

THAT much perplexity must naturally occur from the diversified character of the various interests, and their relations, which are the subjects of legislation, in adopting any definition that may be useful, and at the same time afford a certain criterion, for all practical purposes. From the very great difficulties, and conflicting opinions, which the books themselves furnish upon this subject, your committee would be unwilling to assume the responsibility, and hazard the imputation of manifesting great vanity, of attempting to submit any definition, as each case must at last depend upon its own intrinsic facts and circumstances, and be subjected to the test of general rules, and definitions; and these we have deemed it our duty to submit to the Senate, as furnishing the only means and criteria by which they can judge of the nature, and character of any bill, that may be brought before them. A *public act* is a universal rule that regards the whole community, and of this courts of justice are bound to take notice, judicially and *ex officio*. *Private acts* are *exceptions* rather than *rules* operating only upon *particular persons* and *private concerns*, and of these the judges are not bound to take notice, unless they be formally shewn and pleaded. This distinction of public and private acts, it is said, was first made in the reign of Richard the third, who applied this new invention to the purpose of destroying his enemies by parliamentary attainders; and it cannot be believed he doubted, that in this country any act, the operation of which would only affect particular persons and private concerns, would be regarded as a private statute. This species of legislation, too, in the hands of an obedient parliament, to the will of a capricious, and tyrannical prince, it is easily conceived, might be made the willing and proscriptive instrument of the most tyrannous exercise of power; whilst on the other hand, under a different aspect of affairs, it might be productive of the most beneficial results and advantages. It often happens in our own State, that a private act would afford relief and confer great advantages upon the citizens of a particular county or section thereof; but if adopted as a general or public law, would be productive to other sections and citizens, of the most disastrous consequences. It has, therefore, been always regarded as a valuable species of legislation; but at the same time, deprecated from the perplexity and want of uniformity, which it creates in our laws, and the very great consumption, both of time and money, to which it has subjected our Legislature. Forming, as it has done, so much of our legislation, and being

deemed so essentially requisite for the interests and convenience of our citizens, it becomes highly important that we should rightly understand its character and operation. It has been held by the highest judicial tribunal in the State, that an act of one Legislature, forbidding the felling of timber in the channel of a *particular creek*, in a *particular county* in this State, which imposed a penalty, and rendered the perpetration a crime, to be prosecuted by indictment in a court of record, and to be punished, by a fine to the State, was a public statute. An analysis of the law on the subject thus laid down, may contribute much to the elucidation of the question submitted to us, when taken in connection with certain other principles. It is held that giving a penalty in an act to the sovereign, or State, makes it a public statute, for it concerned the sovereign or State, as representing the body politic and touched the public revenue. This act then, although it related to a particular creek, in a particular county will be found on examination to fall within the definition of a public statute, as described in this report. 1. It is a universal rule that regards the whole community, in that it made it criminal for all citizens whether of that particular county or not to fell timber in the creek. 2. The courts of Justice are bound to take notice of it judicially and *ex officio*, for the creation of a crime, of which all persons are capable and rendering it punishable by indictment and fine, must inform the courts of the law, since every man is charged at his peril to abstain from all crimes, and it is the peculiar duty of magistrates to punish them. The hypothetical cases alluded to in the report of the same case, may serve still further to illustrate the legal distinction between public and private acts, and your committee cannot better discharge the duty assigned to them, than by alluding to them. If a statute should be passed, that in one certain county, particular persons should keep the highways in repair; or if a town be incorporated, and its authorities be invested with power, to raise money to keep the streets in repair, and it is made their duty to raise it; but the act does not in either case expressly declare that default shall be a misdemeanor, or be indictable; in those cases although by the public law, the neglect to repair the highways be a misdemeanor, and the offenders may be indicted, yet the act imposing the duty and burthen, on particular individuals must be shown. The reason is, that the court should not otherwise know that it was their duty. In these cases, it will be perceived that there are wanting many of the essential requisites for a public statute. 1. It concerns *particular* persons in a *certain* county or town. 2. It is not made indictable in a court of record, and subjects the offender to no fine, and consequently the courts are not bound to take notice of it judicially and *ex officio*. 3. The State is not interested, or concerned as the representative of the body politic, and it does not touch or affect the public revenue. It is laid down that every statute which concerns the State, is a public statute for every citizen has an interest in the State. A Statute which concerns the public revenue, or trade in general, is a public Statute; but some clauses therein may if they relate to private persons only, be private, for a statute may be public in one part and private in another; and although a statute be of a private nature, as if it concern a particular trade, yet if a forfeiture be thereby given to the State, it is a public statute; but a statute which only relates to a particular trade, or to a particular person of that trade, is a

private statute. A statute incorporating a bank is a private statute, for their bills are held by our courts to be a legal tender unless specially objected to, their charters concern the currency of the country, and their operations affect the whole community, and more especially, are acts incorporating banks to be regarded as public, when the State becomes interested in the stock, and derives a revenue from them by the way of a tax. By parity of reasoning, acts incorporating Rail Road companies, from which the State derives a revenue, must be regarded as public acts, and are necessarily so, when they subject offenders to punishment, by indictment and fine, who are found guilty of destroying, injuring, or obstructing the roads. In England the limits of the several parishes and counties, are not ascertained by public acts of parliament, the records of which are remaining; but they are determined by ancient usage of which the Judges cannot judicially take notice; in this country it is very different; our county limits and the boundaries of our towns are prescribed by public statutes, of which the judges are bound judicially to take notice. A further distinction obtains, which it may be important to notice; a private act of the Legislature, incorporating certain persons, for purposes of private emolument, or advantage, will not bind those persons named in the act, who have not consented thereto, and will not bind strangers though it contains no saving of their rights—if however the act were public or general it would bind all citizens. Public statutes are not the subject of proof in any court of justice, for being the law of the land, they are supposed to be known by every man, and the printed statute book, is referred to, not as evidence, to prove that of which every man is presumed to be conversant, but for the purpose of refreshing the memory of those, who are to decide upon them; but private acts, not concerning the public, are not considered as *laws*, but *facts*, and therefore must be proved like other records, which concern private rights, by certified copies from the Secretary of the State. In confirmation of the truth of this distinction, it will be found by reference to our act of 1826, c 6, that our Legislature declared that all private acts which have been or may hereafter be passed by the General Assembly, and printed by the printer of the State, shall and may be read in evidence, in all cases, and in all courts of this State, from the printed statute book; and also that any of the private acts heretofore passed, and published by Francis X. Martin, in his collection of private acts, shall and may be read in evidence, from said collection. Previous to the passage of this act, if any person asserted a right under a private act, before any judicial tribunal in this State, as the court was not bound judicially to notice it, he was compelled to give evidence of the existence of such private act, by means of a certified copy of the same from the Secretary of State.

It will readily be perceived, that the classification of the Statutes passed by each General Assembly, into public and private acts, as exhibited in our pamphlet laws, as they are termed, has been exceedingly arbitrary and illegal; and that many of those laws which have been arranged under the head of private acts, are, according to legal construction, public Statutes. Your committee will hazard the opinion, that in amending the Constitution upon this subject, it never was contemplated to confine the Legislature to the true legal distinction between public and private acts. The

great evil complained of, and which it ought to remedy, was the private legislation for separate and particular counties, whereby almost every county had a distinct code of laws of its own; and the uniformity and certainty of the general or public law, was rendered very perplexed and confused; and this opinion is somewhat confirmed by the legislative construction, as evidenced by the character, classification, and arrangement, from time immemorial, of our private acts, upon our Statute book. It would seem that they regarded and so classified all acts, the benefit and operation of which were confined to the limits of any one county in the State, or to the citizens thereof, as private acts. It would certainly facilitate our operations, and afford a more certain standard and criterion, to adopt the legal distinction, although no difficulty could arise from adopting any course. The Constitutional prohibition, that we shall not pass any private law, except under certain restrictions, can never be subjected to judicial investigation; as we are the Constitutional judges upon the subject of passing private laws, and whether we have complied with the preliminary requisites, can never be called in question, except by ourselves. Your committee, upon reference to authorities, found that another distinction was used; and in Parliamentary language, some acts are called public general acts; others public local acts; but that no aid was to be derived from these distinctions, and less certainty of definition and description, than those designated by law. In fact, the difficulty and perplexities which arose upon this subject in the British Parliament, seemed, for a while, to confuse and delay all useful legislation, until a plan was adopted, which seemed to settle all doubts, and remove all difficulties. And all difficulties respecting the distinction of modern Statutes, as public or private, are prevented by regulations of both Houses of Parliament, under which, the Statutes are, at present, classed in four series: 1st, Public General Acts; 2d, Local and Personal Acts, to be judicially noticed; 3d, Private Acts to be printed; 4th, Private acts not printed. The first of these are in the largest sense of the word, private acts. The nature of those in the second series, is defined by the clauses respectively annexed to them. Road acts and others of an extensive nature, are made public acts by a clause in each act, enacting "that this act shall be deemed, and taken to be a public act; and shall be judicially taken notice of as such by all the Judges, Justices, and others, without being specially pleaded." Inclosure acts, Estate acts, and such others in the third series, the persons concerned wherein, choose to be at the expense of printing them, have a clause annexed in each act, "that this act shall be printed by the printer to the King's most Excellent Majesty, and a copy thereof so printed, shall be admitted as evidence thereof, by all Judges, Justices and others. These may be called *quasi* public acts. The acts classed in the fourth series, are strictly private: being either naturalization acts, divorce, &c. or relating to inclosures, or estates, not having the clause last quoted annexed to them.

It cannot now be a matter of surprise, from the brief review which your committee have made of the subject, that it is almost impossible to adapt any definition which will have a certain, consistent, and uniform operation upon every bill that may be the subject of legislation; but it may be clearly deduced, from what has been already stated, that all acts, the

provisions of which concern the public in general, the rights of the State, the public revenue arising either from taxation, or increased by a penalty or fine by the omission of duty, or the violation of any of its provisions, commanded or prohibited; and all acts relating to officers, in the exercise of any authority, or from our citizens, or in any of the Departments of the Government; and concerning the public highways, whether they consist of public roads or navigable water-courses, and relating to the different Departments of the Government, Legislature, Executive, and Judicial, and trade in general, are, according to the legal distinctions laid down in the books, public acts; and as private acts, are rather exceptions than rules, they may be easily tested by the principle, that the expression of the one, is the exclusion of the other.

Your committee do not lay claim to any originality of thought, idea, or language in this report, but are free to admit, that in every case where the language of the books seemed, from its precision, &c. to meet the views of the committee, and better calculated to impart their ideas, &c. they have adopted it; and their only object is, that the difficulty of the subject has prevented them from defining any *precise rule*, by which the character of every bill might be *easily* tested.

All of which is respectfully submitted,

JAMES W. BRYAN, *Chairman.*

No. 1.

LEGISLATURE OF NORTH CAROLINA:

RALEIGH, NOVEMBER, 1838.

M E S S A G E:

To the Honorable

The General Assembly of North Carolina,

GENTLEMEN:

In entering upon the discharge of the public duties enjoined by the Constitution, we should not be unmindful of our abundant cause of gratitude to the Author of all good for the many blessings beneficently lavished upon our common country. Though the products of agriculture may not have reached their usual abundance, enough has been realized to meet the wants of our people, and industry through all its other avenues has been fairly rewarded.

The laws have been administered without complaint, our rights natural, civil and political, have been justly regarded, and we have been blessed with all those moral and physical enjoyments which constitute the sum of human happiness; encouraged by these considerations, then, let us proceed on the path of our duties, determined to deserve a continuance of HIS favor and protection who rules the destinies of Nations.

In laying before you the condition of the State, with such suggestions of Improvement as appear to me worthy of legislation, I am consoled for the knowledge of my own deficiency by the recollection that you come from every section of our State—are identified with its various interests—are acquainted with its wants and capabilities, and are as well disposed as qualified to remedy promptly any omission on my part. The novelty and the imposing magnitude of recent events, will afford you matter for much and serious consideration during the present session. (The deranged circulating medium of trade, the cramped situation of our monetary institutions, and the new schemes for the establishment of Sub Treasuries by the General Government, all demand your anxious reflection, for they are intimately associated with the interests of our constituents. During a period of profound peace and in the midst of unexampled prosperity and happiness, the country has been precipitated from her high enjoyments, and plunged (with no natural causes to explain it) into the abyss of wide spread ruin and misery.) Although the recuperative energies of a new and rich country and of a singularly enterprising people, have not permitted us to be permanently depressed, yet the lessons of past experience should not be lost upon us. We should investigate and understand the causes of these calamities, that we may apply the proper remedies to prevent their recurrence. We must not continue to float upon a sea of uncertain experiments. We must settle upon some permanent and

practical system of policy—something defined and well understood; else public apprehension is kept alive, business is retarded and enterprise destroyed. Bear with me then—while with becoming deference I endeavor to investigate a subject which my sense of duty will not permit me to pass by.

The seeds of these disasters I believe were sown, and deeply sown in 1816. Measures were then adopted, from what motive it is not now necessary to inquire, which have greatly contributed to the misfortunes of 1836-37. The distresses of 1816 were remarkably similar to those of more recent occurrence, except that they were more extensive and severe. We had just emerged from a harrassing and expensive war, which had greatly increased the public debt—had exhausted the resources of the country and inflicted on her citizens extensive pecuniary injury. The Banks had suspended specie payments—the currency and exchanges were utterly deranged—confidence was destroyed and credit paralyzed: under such circumstances, our soil scarcely free from the pollution of the enemy, and Congress decides on taxing the people to discharge the public debt of two wars. For this purpose, the tariff of duties of 1816 was adjusted and was gradually increased up to 1828, when the Bill so properly denominated “the Bill of abominations” was passed, establishing a yet higher rate of duties and prospectively increasing it.

In many instances the tax was so high as absolutely to prohibit the importation of articles of prime necessity. The war led to the creation of our domestic manufactories, at the north, which were subsequently fostered and increased under the auspices of the tariff, and thither we were driven to purchase at high prices those articles which an exorbitant tariff had expelled from our commerce. Other commodities which our manufactories were unable to supply, we continued to import, because of their necessity, but burdened with a tax, which never I believe before in the annals of legislation was exacted from a free people. Take for instance the tax of nearly 2 cents on iron, 3 to 4 cents on sugar per pound, 20 to 28 cents per bushel on salt, 10 cents per gallon on molasses, and on all other articles of prime necessity from 30 to 250 per cent., which certainly would never have been submitted to but for the plausible appeal to the patriotism of the people to pay the public debt. To regulate and improve the currency and exchanges, and to furnish a safe depository for the Public Treasure thus rapidly accruing, the Bank of the United States was chartered. After struggling with the untoward circumstances which gave it being, it succeeded at length in realizing the objects of its creation, afforded a currency and rate of exchange, equal if not superior to any ever enjoyed by this or any other country, and performed its functions as fiscal agent of the General Government to the satisfaction of every predecessor of President Jackson.

But the operations of this unnecessary and oppressive Tariff continued to draw money from the many to the few, and for purposes other than the current expenses of the Government till 1836. The credit of the country was stretched to its utmost tension, and every means resorted to for relief. The distress of 1819—’20 & ’26 gave fearful warning of the coming danger; and but for the liberality and wise forbearance of the Bank of the United States, the crisis would have been much more calamitous. The relief afforded by the Bank however, was but temporary and fallacious. The cause of ruin was too deeply laid and the drain continued to do its work silently, insidiously, but surely. The

merchants were stimulated to increase their importations—speculation was fostered, and credit extended, with the delusive hope of removing embarrassments, originating in a trade burdened and overtaxed. (The Banks lent themselves to the madness of the hour, their circulation was enlarged, their ability to sustain themselves diminished, and the destruction of the Bank of the United States completed the work of ruin. But not only was the period for imposing the Tariff most unpropitious, but the inducement for so doing (the payment of the public debt) most unsatisfactory and unwise.) We were called upon by no principle of justice, of wisdom or of patriotism to discharge that debt at that moment. It was a debt created by our two wars, and under peculiar circumstances. We entered the money market as a borrower—young and with impaired credit. Our institutions new and untried, and their stability often questioned. Capitalists availed themselves of all these disadvantages, and imposed upon us the highest premium for the use of their funds. It was a mere money arrangement, necessity on the one hand, and profit on the other, involving no one principle of patriotism or liberality.

The Reports of the Secretary of the Treasury show that the Government was often most usuriously dealt by. We were then under no obligation to the public creditor to anticipate his demands, and it surely was neither wise, patriotic or just for any object, short of absolute necessity—thus to oppress an already exhausted and prostrate country.

Considered in a financial point of view, we are still more at a loss to understand the unnecessary haste of the Government in paying the public debt. A large portion of it bore an interest of 3, 4, $4\frac{1}{2}$ & 5 per cent., and money, at the time it was discharged, was worth the full legal interest of the country, from 6 to 8 per cent. Drawing money from the People under such circumstances to pay to capitalists—many of them foreigners—was a financial operation, the wisdom of which may well be questioned. This Tax, thus imposed, and thus collected and disbursed, from the many to the few, soon again sought investments in stocks—in Factories, in Bonds of Merchants and speculators, at an interest of from 6 to 8 per cent. A very small portion however, found its way to the South. The high rate of interest in New York, and her great natural and factitious advantages for trade and commerce, presented attractions which we of this section could not boast, and most of the investments concentrated at that point.

It may not be unprofitable, and it is certainly interesting, to examine for a moment, the enormous amount collected from the people in twenty (20) years by the demands of the Federal Government:

Say Public Debt in 1816	- - - -	\$ 120,000,000
Interest on half as reduced at 5 per cent.	- - - -	\$ 60,000,000
Surplus	- - - -	\$ 41,00,000
20 years support of Gov't. at 15 millions per year	- - - -	\$ 300,000,000
Showing the extraordinary sum of	- - - -	\$ 521,000,000

subtracted from the earnings of industry in 20 years to pay the Public Debt and interest; support the General Government and create a surplus. I have dealt in round numbers without regard to fractions. It is sufficiently accurate for my purpose, which is merely to exhibit the astounding amount of Taxes which is levied on the consumers of foreign merchandize, besides the extra amount paid on goods expelled from our market by the Tariff, which we had to obtain from manufactories of this country.

This disposition of this money in seeking the new investments to

which I have alluded, added to a large line of discounts by the various Banks, urged and stimulated to improvident expansions, gave a *show* of business and prosperity, unparallelled in our country. But it was hollow and fallacious. The people had been drained, weakened and impoverished by taxation, and they were unable to withstand the reaction which awaited them.

President Jackson made a systematic attack upon the credit system. He declared "that all who trade upon borrowed capital ought to break." He attacked and put down the Bank of the United States, and cast distrust and odium upon the issues of all Banks by his circular, requiring the payment for lands in specie. This gave warning to merchants, Bankers and capitalists, who with the instinct of self preservation trimmed their sails to the coming storm—husbanded their resources—called in their means, and reaction and ruin commenced. The Public Treasure had been deposited with a few of the local Banks; and with the hope of healing the wounds which he had inflicted upon the commerce and credit of the country, the President determined on the Pet Bank system. This he promised should answer all the purposes of the Bank of the United States, unattended with its evils and dangers. While the deposits continued to accumulate, these promises seemed in the way of fulfilment, and the President congratulated the public on his complete success; yet the reaction went on—a wound had been given to public confidence which the healing powers of the President could not reach. Produce was pressed into market and the price declined—Stocks went down—property changed hands at reduced prices—the Banks curtailed, and in turn were pressed for the payment of their debts—the deposits were withdrawn—a further curtailment was necessary—no hope of relief remained—confidence was destroyed—business paralyzed, and suspension followed with all its train of bankruptcy and ruin. The local banks in their turn were discarded and denounced as unworthy the confidence of the Government or people.

Thus have terminated a series of ill digested and pernicious experiments—a vacillating policy of wretched experiments, taxing to pay off the public debt and to protect home manufactures. Establishing a Bank of the United States at one moment and putting it down as unconstitutional at the next—creating a high protective Tariff to-day and destroying it to-morrow—collecting a surplus revenue from the wants of the people, patronizing, caressing and stimulating into madness and folly the Banks of the States, then denouncing them for failing to accomplish what no rational being could have expected. They could not regulate the exchanges, and it was equal folly to expect that they could withstand the shock, which a flood of circumstances, beyond their control, drove upon them. They were compelled to suspend payments until time placed another crop in market to remit the balances of European creditors and to repair losses at home.

My confidence in our local Banks is not impaired. They have suffered with the country generally—been unfortunate—perhaps imprudent—but they are the arms of our credit system, and with the improvements and limitations which experience has suggested, they are essential to us, and ought to be sustained. The Banks of this State, from a comparative examination of their condition with the Institutions of the other States, stood at the period of suspension, in a very favorable position, and I was impressed with the opinion that they, if any, could have sustained their payments throughout the pressure. But their able managers, who knew their situation best believed other

wise, and they followed the general example. They have again, with laudable alacrity, followed in the resumption, and now meet their payments in specie.

Soon after the suspension of the Banks, the Legislatures of several States were convened to arrest, if possible, the downward course of things; and to afford such relief as circumstances might demand; under such respectable examples, and at the suggestion of many respectable citizens, I deemed it due to the people to summon the Council of State to advise with me as to the course which it would be best to pursue, after viewing the situation of the Banks, and the wants of the community—a convention of the General Assembly was not deemed necessary. It was believed that no assistance could be afforded these institutions, consistent with the rights of the people, and that ample protection was afforded the community by the penal clause of the charters, allowing twelve per cent. interest, on refusing to redeem their notes.

The sympathy of our citizens with the sufferers of the times, even to the hunted Banks, is strong evidence of their liberality, forbearance and right-mindedness. Demands were seldom made, and of very inconsiderable amount. Few were found, Shylock-like, to require the pound of flesh—for the position of the Banks was looked upon as a calamity, rather than a crime.

The Bank of the United States having been put down by one President, and pronounced unconstitutional by the present incumbent; the local Banks having been denounced and discarded, no alternative, unfortunately, is left the President, but to devise some new system as the fiscal organ of the government. This has been announced to the public under the imposing title of the "Independent Treasury," and has twice been recommended to Congress; and as often rejected by that body, though composed of a majority of his partizans. They had the best sources of information, and ample opportunities to investigate the subject fully. It has certainly been very elaborately discussed at two sessions, and rejected under circumstances which would seem to demand the acquiescence of every republican, who holds the doctrine that a majority ought to rule. But it is not submitted to. Every exertion has been made, and is still making by the immense influence of Executive patronage to reverse this twice decided question. An appeal has been made to the people. The subject has been carried into our state elections, and the public mind vexed with it from the elections of our constables to that of the Executive. It has been made the test of democracy itself. Grave Senators and honorable Representatives have taken the stump at elections, at barbecues and dinner tables, in defence of it. The cupidity of creditors has been appealed to in support of it. They have been invited by the Secretary of the Treasury to protest his own drafts on the Banks when specie was refused, in order to make them equivalent to specie, and available in the market, at a high premium, to pay custom-house duties. The government has been dishonored by her own officers for a petty reward of profit on the salaries they are receiving from her bounty. The honorable members of Congress were proffered specie, by a circular of the Secretary, to pay their compensation. With such inducements, incentives and appeals, we would not be astonished to see the new device become the law of the land, against the dispassionate wishes of the people.

I understand the "Independent Treasury" to mean,—reduced to its naked proportions—the appointment of new agents by the government,

whose duty it will be to receive the public dues from the people in *gold and silver* only. Keep it in safes and vaults and pay it out to the salaried officers and others, in coin only, rejecting the use of Banks as depositories, and their notes as a medium of payment, whether convertible into specie or not.

This measure I consider wrong in principle. No State government would be sustained in exacting from the people coin only in the payment of taxes, land sales and entries; nor would individuals be tolerated in a course so odious and oppressive.

The employment of gold and silver only in all transactions between the government and people, if practicable at all, would be inconvenient and expensive. But the impracticability of conducting the business of the country with a specie currency only, is not desired. We must then necessarily have a mixed currency of specie and Bank notes. The one according to the "Independent Treasury" doctrine for the government, and the other for the people, and they must come in conflict. The refusal of the government to receive the people's currency, must depreciate it, or produce a constant drain upon the Banks, which must destroy their usefulness.

On the score of safety, the "Independent Treasury" is to me particularly objectionable. Few of us are ignorant that the officers of the United States are appointed more frequently from political considerations, than from intrinsic merit, and too frequently from noisy demagogues, who are always the most forward and pertinacious applicants for office. The deposits in the local Banks must, from their nature, be more secure than with such officers. They are guaranteed by the capital of the Bank, and the watchful eye of self-interest, is perpetually upon them. I speak chiefly in reference to the officers and the management of the Banks of this State, and from personal knowledge, and am very certain, that no sub-treasury can be organized, with which I would so confidently entrust my personal funds, as with our Banks.

But this sub-treasury scheme must increase the number of officers, and the patronage of the general government, already swollen beyond all proper limits. I have an insuperable objection to seeing the agents of the government spread over the States, with the control of money, or power of any kind, to operate on our habits, manners and feelings, or to influence our elective franchise. We have already a mint without coin—an arsenal without need—collectors, and hosts of custom-house officers at all our ports of entry, and post masters like the locusts of Egypt. They form a phalanx which no patriot can contemplate without just apprehension, or think of increasing without dismay.

Some advocate the scheme, because in its operation it will be hostile to the local Banks, and that in their natures they are antagonistical, and cannot exist together. Are we prepared for the destruction of our Banks, and with them of our trade and enterprise? Are we willing to witness a reduction in the value of our property, of one half or more? Destroy our Banks and we will witness this, or the humiliating alternative of being sustained by foreign capital.

We are told that the Independent Treasury will relieve the South from the shackles of Northern trade—enable her to establish a direct intercourse with foreign countries—build up her markets—and unite the whole South in trade, interest and feeling. Nothing surely was ever more fallacious. Did its *Northern projectors* originate it with this view, or do they now sustain it upon such motives? Hardly, gentlemen.

These shackles of Northern trade of which we have latterly heard so much, proceed from causes not so easily overcome. The North is much indebted to her natural advantages, but she owes more to the liberal employment of the credit system. This enabled her at an early period to commence a generous rivalry with European commerce and manufactures. This furnished her the means of ship-building—called her manufactories into being—improved her navigation—and constructed her roads and canals. These improvements soon reacted upon industry—gave facilities to the farmer—encouragement to the mechanic—and employment to labor of every description. These objects (except commerce) were greatly fostered by the war, subsequently by the tariff, and afterwards by the money thrown into her circulation by the payment of the public debt.

Our course was vastly different; our energies were directed to the great pursuits of agricultural life. Always fearful of over-banking we employed the credit system for no valuable improvement. Our trade was originally mostly with Europe. Then we shipped our products and received in return manufactured goods to supply all our wants.—Gradually, however, our trade began to be transferred to the North.—We began to find that there we could meet with foreign goods, imported in Northern vessels and by northern capital, which, added to their own manufactures of greater extent and variety, and actually cheaper in price than we had been importing directly, because they better understood the wants of our trade, had spare capital and could adapt a small assortment to our convenience. Hence the transfer, but the North also consumes largely of our raw material, which renders the trade reciprocally beneficial to us.

Our merchants are a calculating and pains taking class, depend on it, they have made their calculations in *figures* and find their profit in a Northern over a direct European trade, or the present state of things had never existed.

The city of New York possesses natural advantages so greatly superior to any other port in the United States, that she has not only the trade of the South but of nearly all the Northern and Eastern States, in a greater or less degree.

To build up home markets is certainly highly desirable and of primary importance, but it cannot be effected by *conventions*. Their collected wisdom may devise the means, but they must be such means as have heretofore produced the same results. Such as have enabled the North to compete with Europe. We must extend the credit system; afford the means to erect manufactories, to build ships, to improve our navigation, open canals and construct turnpikes and railways, to improve and use our water power, and to work the mines of ores and minerals with which our State so richly abounds; and we must do what is of paramount importance, erect Seminaries of education, to qualify our children the better to improve our natural advantages, to keep the children of the rich at home and avoid the extravagant expense and the uncongenial habits which they acquire abroad. We must encourage our own mechanics and import nothing that we can make at home, and, finally, we must do as our brethren of the North do, stay at home ourselves, except when profit or business takes us abroad, and cease to spend our time in idleness and extravagance.

We should forbear to cultivate sectional and geographical feelings. There is danger in it. It is enough to keep the line of rights and attachments between the State and General Governments separate and

distinct. The object of our compact was trade, friendly intercourse and strength of numbers; and I should learn with regret the incipency of any measure that would tend to plant a bitter rivalry or angry alienation between the North and South. We have but one peculiar Southern interest to guard, and that is sufficient to bind us together with chains of adamant. We look with confidence to the Constitution for protection there, and when that fails, the South as one man will know how to protect herself.

A circulating medium of uniform value, and in sufficient amount, is the great desideratum of our extensive and enterprising confederacy. It is the life blood of the various branches of our spreading industry, of our agriculture, commerce, trade, manufactures and internal improvements of every description; and is rendered more essential to our welfare by the extent of our Union, the variety of our soil and climate, and of our people differing almost as much in wants, habits and manners. This all important circulation I apprehend cannot be supplied without the credit and protection of the Federal Government, exerted either directly in the establishment of a National Bank, or indirectly under proper regulations in favor of the Banks of the State.

The people very wisely gave to Congress the power "to coin money, regulate the value thereof, and of foreign coin, and to fix the standard of weights and measures." But it would not be more unreasonable to restrict the country to the identical weights and measures furnished by the government, though they afforded not one-tenth the supply required, than it would be to limit it to the use of the coin thus regulated for the receipts and disbursements of the general government, if it was right to do so, the government should feel itself bound to furnish sufficient supplies both for its own and the people's uses.

The leading design of these grants to Congress, was to render what was before irregular, uncertain and deranged—certain, defined and uniform; otherwise there could be no precision, no uniformity, and but little justice in the collection of taxes and duties in the various sections of the Union. But the grant "to regulate commerce with foreign powers *with the States* and Indian tribes," indicates very strongly the intention of the framers of the constitution upon this subject, and their sense of the necessity and propriety of regulating the currency, be it what it may.

A National Bank being considered unconstitutional by the present chief magistrate, cannot of course, be established during his term of office, unless a constitutional majority can be obtained to control the veto power, of which, I confess, I entertain no hope. The necessities of the country have twice called such an institution into being, and under the auspices of our most enlightened and patriotic statesmen, and it fully realized the expectations of its friends, and supplied the wants of the country. Still it has been made the stalking horse of the demagogue, and made to bear upon all our elections, from the elevated chief magistrate to the constable! and yet so impressed was the country with its utility and necessity, that despite the popularity of the late President, who was opposed to it, it was re-chartered by Congress by decided majorities, and fell a victim to the veto power. The constitutionality of its establishment seems to be a question never to be settled, and if the scenes of its re-charter are always to be acted over, and the public mind excited and disturbed by the misrepresentations and agitations of corrupt partizans, it may well be questioned whether the advantages of such an institution, highly as I might value them, are not

countervailed, by the improper uses to which its enemies basely prostitute it. Under such circumstances, with no national currency, and our exchanges deranged, with no hope of action by the general government, it becomes our duty to search out a substitute for the National Bank.

My preferences are with the Banks of the States; and I ask your attention, and your candid consideration of my reasons. Their permanency is an important recommendation. The first chartered Banks in the country, are yet in existence and in good credit, and no one, within my knowledge, of respectable standing has ever been refused a re-charter, when applied for. National politics have never entered into their management, and their contractions and expansions can never effect the business of the country, like a National Bank of large capital, ramifying into many States. A considerable reformation, alteration and improvement would be necessary, however, in order to make the local Banks meet my views. They are at present too numerous—their capitals, generally, too small, and the variety of their notes so great, that it is almost impossible to fix upon the memory, the characters of the signatures and vignettes, so as to avoid the danger of forgeries. Some of their locations are inconvenient as depositories, it will inevitably lead to rivalry and dissatisfaction, jealousies, and more than all, to a depreciation of the issues of the rejected Banks. I propose then, that our State lead the way in the reform of our Banking system, and respectfully recommend the chartering of a Bank with a capital of ten millions of dollars, allowing the existing Banks to subscribe all their capital stock into it. The remaining stock to be taken by individuals; into the details of which, it is not now necessary to enter.

The State to transfer all its stock and funds to the Bank, and to offer its services to the Federal Government as a depository of its fund; the safety and forthcoming of which in the kind of money deposited, to be guaranteed by the State in such manner as shall be satisfactory to the General Government, and in the event of the Bank being unable to meet the payment of the deposits of the General Government, the State to issue stock for the amount in favor of the Government, bearing 5 per cent. interest until the Bank is able to resume payment. For these services rendered to the General Government—the notes issued by the Bank to be received in payment of all its dues, and on the further condition that the other States prepare their Banks in like manner, and for like purposes, namely, That each State and Territory shall designate by law one Bank, and more if its trade and necessities require it, of capitals not exceeding ten, nor less than two millions of Dollars, as its own depository and the depository of the General Government, and if requested by the President of the United States other Banks for that purpose; a second Bank however in no case to be chartered or designated until the capital of the first, which shall be the maximum amount, shall be entirely taken and so on to third, fourth and fifth, when necessary. The notes of all the Banks thus made depositories, to be engraved on similar paper and to resemble each other as nearly as possible. Each State shall designate to Congress the particular Bank tendered as depository, and the acceptance by the General Government shall be under an act of Congress, and all their intercourse regulated by law. If any State refuses or neglects to come into the arrangement the money collected in such State by the General Government shall be transferred to a depository of some other State, nor shall the money collected in the refusing State be received in any thing but coin.

Thus fostered—sustained and patronized by the General Government and guarded by the supervisory power of the States which guaranteed their fidelity, these institutions, I have no doubt, would afford as near an uniformity of currency and of exchange as by any possibility can be arrived at.

Under such high sanctions too, capitalists would be induced to invest their funds in such stocks with alacrity and confidence. And the notes of these Institutions from the credit reflected on them would circulate so freely and extensively as to enable them to supply the amounts necessary for all the legitimate uses of the country.

An increase of banking capital in our own State is certainly necessary to meet the wants of industry, and to perfect the works of improvement already commenced, to say nothing of other works equally necessary to be made. But unless some arrangement can be effected to convert the unnatural hostility of the General Government into favor to the State banking institutions, you may charter Banks, but capitalists will not be induced to hazard their means in the stock.

To borrow money, as some of the States have done, in order to furnish capital for their Banks, is idle. If the Sub-Treasury is established, bank notes instantly become discredited, or their sphere of usefulness is made so limited that they will find it hazardous if not impracticable to loan out more than their capital, and their profits will be insufficient to sustain them. The suggestions I have made to you, are the results of an anxious reflection upon an intricate and all important subject, and it affords the only probable outlet which has occurred to me of extrication from our financial difficulties. I have attempted nothing more than a general outline of the plan; its details, should you deem it worthy your consideration, can be arranged at your convenience.—The subject is so important, that I must crave a few moments indulgence in making a further brief illustration of it. I have said that the intercourse between the Banks and General Government must be regulated by law. There must be no controlling or discretionary power in the officers of either Government. We have already seen our institutions seduced into measures, for which they were subsequently condemned by the authors of their errors. The States all have, this State at least has, a deep pecuniary stake in two of her Banks and a yet higher interest in all, in the character they sustain, and in the facilities they afford the farmer in selling and the merchant in purchasing commodities, and we must not allow them to become the sport or the victim of any power. They hold their rights under the same sacred guaranties by which our lands and other property is held, and any invasion of them should be promptly and indignantly resisted. They must not be made the tools of party or the victims of demagogues, and hence I would have their intercourse with the Government strictly regulated by statute.

I have limited the capitals of these Banks at not less than two nor more than ten millions of dollars. No State or Territory will require less than the minimum and few should exceed the maximum amount. The one is large enough to insure respectability and usefulness. The other could not exert such power by contraction or expansion of its discounts as seriously to affect the business of the country, or the value of property; and guarded and restricted, as I have proposed, there could be no danger to liberty or the Union.

The responsibility of the States is proposed in order to afford the most unquestioned security to the depositors and note holders, and to

remove all distrust from the General Government that it may embrace the proposition at once and set this distracting question forever at rest. The States would incur no hazard in their guaranties as no Bank of respectable size has ever failed to pay deposits and issues, however their stockholders may have fared. But the State is to retain the supervising power, and may so exercise it as to make her security as perfect as she desires. In cases of emergency we have seen several of the States promptly coming forward (as they should do when any important interest is involved,) to the relief of their Banks by the loan of their credit and funds. Prevention, however, is better than cure, and the plan proposed, will, I think, obviate the catastrophe. The guaranty having been given, the issuing of the stock merely points out the mode of settlement in case of failure, and after all it is but a financial arrangement, giving time to the Banks to wind up their affairs, if necessary, and protecting the people from a rapid and ruinous pressure in the collection of their debts.

The large size of these institutions and the enhanced value of their issues would soon drive out of circulation the notes of the lesser Banks and compel them to wind up by limiting their circulation and returning it on them for specie. So that in the end the great evil of numberless small Banks with insufficient capital, would be remedied, and the whole number of banking institutions in the country would not exceed that of the United States Bank and its branches. The use of similar kind of notes and the issuing them only from the principal Banks would impress them upon the memory—render the signatures and general character of the bills as well known as those of the late United States Bank and thus facilitate their circulation, and diminish the chances of forgeries.

The receivability of these notes in all the dues of the General Government, throughout the Union, would render it the interest of the Banks to keep exchanges at fair rates, to prevent the collection and accumulation of their notes in large masses at points where trade has a tendency to concentrate, and the States may interpose statutes (in the stead of competition) to guard against over issues. Indeed, the sphere of competition, if there be any good in it, will only be enlarged. Instead of the several Banks of the same State vying with and harrassing each other, the rivalry will be between the Banks of the different States; and they will more effectually and uniformly keep each other in check and order, whilst at home we will have the full use and concentrated vigor of all our capital.

A serious objection urged against a Bank of the United States was the large amount of money wielded by one set of men, enabling them to contract or expand the currency, and then to operate upon the business and politics of the country. This objection, in my estimation, holds much more strongly against the Mammoth Institutions now becoming common at the North and free of the restraints I have proposed. The Bank of the United States was responsible to and controlled by Congress for her acts in all the States. But these institutions holding charters from the States can only be controlled by the power from which they derived their being, and this power will never be exerted except for acts injurious to their own citizens and improper within their own limits. Beyond their limits, in other States they are almost irresponsible, and their conduct will be marked by the wanton abuses of the most unrestrained despotism. If you require illustration, turn to the Pennsylvania Bank of the United States dealing in cotton and local

Bank stocks, appropriating almost exclusively the trade of the great staples of the country. Pennsylvania either could not, or would not control her; and without some further restraint than that of the States, we will again see the legitimate business of our merchants wrested from them and the country driven to deal in a depreciated currency, and the occupation of the merchants superseded by the agents of the Bank.

If facts were necessary to demonstrate to you our urgent need of more Bank capital, I would direct your attention to the European markets, overrun with our applications for loans. I would ask you to compare the amounts profitably employed by our sister States, possessing natural advantages requiring improvement, infinitely inferior to our own, with the amounts employed by us. New York a little short of our Territorial extent in 1790 had less number of inhabitants, she adopted the use of Banks, and we did not, for a number of years. In 1800 she surpassed us in population, she increased her Banks commensurately to her wants and improvements, we did not, and she now numbers three times our population. Besides other and valuable improvements she has finished—commenced and chartered canals and Rail Rads 3833 miles—costs nearly ninety millions of Dollars. For a more particular exposition of the advantages derived by that State from her appropriations for Internal Improvements, I submit to you the documents marked C. and D., Reports of committees to the Legislature of that State, communicated to me in my Executive capacity.

For the benefit and protection which this Bank will enjoy from the State, it should make a subscription to the Yadkin and Fayetteville Rail Road stock of a half million of Dollars.

Agriculture as the basis and support of all other interests is the most important, and merits your most deliberate consideration. The landed property of our State is held in too light estimation, and our attachments to the soil hangs too loosely about us. The places of our birth and early recollections—the theatres of our manly struggles, and mature associations; the very grave yards of our fathers inspire no abiding attachments, but are sold and transferred with less emotion than are the brutes that graze upon them. Prematurely worn out by a loose and ruinous system of culture, our lands are parted from, without regret, and seldom descend to the third generation.

This indifference arises, no doubt in part, from the abundance of our land and temptation presented by richer soils in climates more congenial to the favorite production of the day, Cotton. But in a greater degree to our laws, affording to this primary and paramount interest, no preferences or advantages over others. It is your duty as Legislators to investigate the causes and to provide the remedies if in your power.

Might not this end be attained, (in part at least) by securing to every family in proportion to their number, certain portions of land immediately around and including their dwellings against all claims—subject during the life of the owner, widow or unmarried daughter, to their control and support, and afterwards to descend to the eldest married child, who has offspring, and so on forever. Liable however to be sold at all times by the proprietor with the consent of his wife. By this means an asylum would be afforded under every contingency for the family; and widows and orphans, shielded from the degradations and sufferings of want. Owners of estates would here find inducements for systematic and permanent improvement—emigrants to pur-

chase and locate among us, filling up our too sparse population and enhancing the value of our too depreciated soil.

Much may doubtless be effected by an improved system of husbandry, under proper stimulants and inducements; if we turn for a moment to the improvements successfully achieved in Massachusetts with decidedly inferior climate and soil, our doubts will be removed. She greatly outstrips us in our peculiar interests. In proof of which, allow me to refer you to an agricultural survey recently made in that State, marked B. and so valuable in my estimation as to induce me to recommend that a similar survey be authorized in our State.

But gentlemen, it is only to a liberal and well digested system of Internal Improvement that we can look for the regulation and permanent prosperity of our State. Our towns are small, our markets distant and difficult of access—our water courses for purposes of navigation, naturally indifferent and wanting improvement, whilst our infant manufactories are struggling for existence against the matured and mighty workshops of Europe and New England. We have no branch of enterprise sufficiently advanced and powerful to render assistance to another. It is in truth the race of imbecility and poverty—the waste of noble energies in detached and single handed enterprizes. Furnish but capital, and means of Improvement, combine all our resources, and direct them judiciously to the developement of our advantages, and you will find that we have the materials of a great and wealthy State. Our water courses are incomparable for propelling machinery. The earth teems with inexhaustible mines of rich ores and minerals, and our population characterized by industry, prudence and economy. But temptation is around them, the stimulants to emigration are almost irresistible.

Most of our sister States are engaged in magnificent schemes of improvement, offering high wages to the mechanic and laborer, whilst the South-West invites the Farmer with her fertile paradise. Have we then any hope, any alternative but in a continued and vigorous effort at general improvement? We must ameliorate the condition of our people, and we must stimulate their home enterprizes or be content to lose with their wealth our better population. The system of improvements adopted by our last Legislature has given employment to many, and a show of activity and business producing a most happy tendency. I believe it is only necessary to push forward these works and to originate others equally and obviously necessary to change the whole face of affairs, and give a new character to the State.

In April of last year, the Wilmington and Raleigh Rail Road Company applied, agreeably to law, for the subscription of the State of 2-5 of its capitol. This subscription was made by the Board of Internal Improvements and the first instalment was paid. Since that period two other instalments, the last in the past month of October have been claimed and paid, making the total sum of four hundred and fifty thousand dollars, paid by the State and on the part of individual subscription five hundred and sixty six thousand five hundred and eighty-seven dollars and fifty cents. I will here take occasion to remark, that by the law as it now stands it will be difficult for the company, without acting with great harshness towards some of their individual subscribers, to claim the fourth instalment from the State. The law requires that individual subscribers shall first pay their instalments of 25 per cent. before the company can claim the same instalment from the State. As a mat-

ter of caution, to prevent the use of the State's funds without a faithful payment on the part of individuals, the rule might well be applied to one or even to two instalments, but it would seem to be more just that the payments should be made "*pari passu*." The company however have collected 75 per cent. of the stock. The collection of the last instalment from individual subscribers, must necessarily be attended with increased difficulty; and if even one share remains unpaid the company cannot claim that instalment of the State, which may embarrass the company and check the progress of the work. Many cases may arise where it would be unjust and exceedingly unpleasant to enforce payments from individuals who had faithfully paid up 75 per cent. either by a sacrifice of the stock or of their property, and the company will certainly be driven to this alternative, which I am persuaded was neither the wish nor the intention of the State, without further legislative action. I would recommend therefore, as an act of justice, the passage of a Resolution instructing the Board of Internal Improvements to pay over forthwith to the company, the fourth instalment out of any funds in their hands.

In patronizing this work, it was presumed that the General Assembly intended to be governed by principles of justice and liberality. And it is upon these principles that the Board of Internal Improvements have regulated their intercourse with the company.—The work has been prosecuted with untiring vigor. Ninety miles of the road are now in use and continued by stages and steam boats of the best description, so as to afford an admirable route of travelling from the Roanoke to Charleston. The remainder of the road is under contract and will be completed next year.

The other roads which were projected, and for which the General Assembly consented to subscribe a like proportion of the capital, have made no application for the State's subscription. The reason has never been communicated to the Board of Internal Improvements, nor to the Executive. It may be found, however, I presume, in the inability of the companies to fill up the subscriptions to the required amount, although to one a considerable subscription was made. To the other, perhaps nothing.

Doubtless the citizens on the route of the Cape Fear and Yadkin Road, and those interested in its accomplishment, strained every nerve to bring about so desirable a consummation, and though not successfully, still the merits of the route are not impaired, and the interest of the State, and particularly of its western section, demand, imperiously, its completion, to connect that rich and valuable interior with a market, and a sea port within our own State. At my particular request, Major McNiell, the chief engineer, who surveyed the routes of the Cape Fear and Yadkin Road, favored me with a sight of his report, which proved not only the practicability of constructing the road, but at a cost which can be remunerated to the proprietors. I would, therefore, recommend a renewal of the charter, empowering the Board of Internal Improvements to subscribe on the part of the State, for three-fifths, or even if necessary, three-fourths of the stock, so as to insure the accomplishment of the work. Nay—so important do I consider it, that I had said for all the stock, if necessary, but for the paramount necessity of associating with the State, interested and judicious citizens to superintend the details, and attend to the execution of the

work, which is certainly within the means of the State, probably without the necessity of borrowing. Should the Bank to which I have referred, be put in operation, and make to this road the subscription of half a million dollars, and should the fourth instalment of the surplus be received in January next, which is probable, as the law directing the distribution has not been repealed, amounting to \$477,919 13 cents, with the proceeds of the sales of the Cherokee lands, say \$350,000 being appropriated to this purpose, with what individual subscription may be obtained, the funds would be provided. It appears to me as a matter of right and justice, to give the proceeds of the Cherokee land sales to opening a communication to that section of the State whence they have been derived.

There are other works of no less importance, in which I had almost said the salvation of the State requires that she should promptly and vigorously engage. On our west an effort is making by South Carolina to cross our State by a rail way, to secure to Charleston the produce of that fertile region, whilst the establishment of her South Western Bank—with a Branch in our limits, not only insures the success of the first enterprize, but by superceding the circulation of our Banks, destroys our currency, and controls our credit system. The language of the friends of this Twelve Million Bank, is "that it will be to the South Western States in currency and exchanges, what the Bank of the United States was to the Union." Should South Carolina succeed in carrying out her views as to the currency, and as to a South Western Confederacy (or league) our fears cannot be bounded by mere pecuniary loss. We should be driven to trade with Charleston, and to cherish sectional feelings until our attachments to the Union itself would become impaired. We cannot serve two masters with equal fidelity and attachment. Should no counteracting measures be adopted on our part, I should fear that she would succeed both in directing our trade and superseding our currency.

The Bank I have proposed would remove the latter apprehension, and to remedy the former, I would respectfully propose the construction of a Rail Road from the head of tide water on the Cape Fear River, commencing in Bladen county, running west and flanking South Carolina as near as possible, passing through Robeson, Richmond, Anson, Mecklenburg, Lincoln, and into Rutherford, and if experience justifies it, further still, into Tennessee, and to the shores of the Mississippi.

This road would intercept the produce made on the north of its line—draw no inconsiderable quantity from the contiguous districts of South Carolina, and deliver it to a market of our own on the Cape Fear. The travel on this road I have no doubt would be considerable. Persons on the Louisville, Cincinnati and Charleston road, bound north, would unquestionably take this route, avoiding thereby two hundred miles of travel, and a sea voyage. The country, from the Cape Fear to Rockingham in Richmond county, on the Peedee some eighty-five or ninety miles, presents the best facilities for a rail road of any in the States. Its surface is level, and abounds in timber of the first quality—there is but one stream to cross—Lumber river—and that of no magnitude, in the route.

This road would be of immense importance to Wilmington on the Cape Fear, already one of the best markets in the world for

lumber, and for furnishing cargoes of naval stores, adapted to the West India markets. The return cargoes of West India produce, redundant for the hitherto demand, would furnish supplies to the interior on the *best* terms.

The Cape Fear River is navigable for any size crafts to the point indicated as the starting point of the Rail Road, and below Wilmington as far as the outlets to the ocean, has been and is now greatly improving under the operations of the United States. Its depth, breadth and straitness have all been increased, and it now affords full thirteen feet of water on its worst shoal, which is progressively deepening. The new inlet bar, it is confidently believed from observations upon it, is capable of being readily and permanently improved, and as this comes within the acknowledged province of the Federal Government, it is hoped she will take speedy and effectual measures for the accomplishment of so important a work to a State that has asked and received so little at her hands.

Improvement in the eastern section of the State also demands our consideration in an equal, if not superior degree. The whole Albemarle country embracing some 20 counties has a dangerous and inadequate outlet, and for this reason has been driven to trade with Virginia by the use of her rail and other roads, and of one of the most inconveniently located canals possible. The small vessels which navigate the water courses of this section of country, are compelled to seek an outlet at Ocracoke, some 100 to 200 miles south, when their destination generally is north.

Col. Kearney, United States Engineer, who has recently had charge of a survey of that county, reports that Ocracoke inlet is closing, and expresses a belief that ere long it will close entirely. In which event vessels will be compelled to seek an outlet still farther south, through the sound at Beaufort. This of course will throw our trade to a still greater extent into the markets of Virginia. Can we submit to this?

This section is composed of lands of the highest natural fertility, but it is so level, that to render it fit for cultivation, it requires the most expensive ditching and canaling. This defect in a country where land so much abounds and capital is so limited, has been the cause of its neglect.

The difficulty of the navigation of the Sound and of the outlet to the ocean is no doubt a superadded cause, but, remove these: and there is no doubt, that these lands will become the garden spot of the State, instead of a wilderness of worthless land and a fertile source of pestilence and disease.

Nagshead, at the foot of the Albemarle Sound, seems designed by nature for the outlet. It is formed by a very narrow strip of beach, which divides the sound from the ocean, and which is of very little elevation above high water mark. It has often been surveyed by very distinguished engineers, and for the practicability of opening it, I beg to refer to their reports. The very circumstance of its having been so often surveyed, and so often alluded to as the subject of improvement, proves the value and the practicability of the enterprize. It is difficult to explain why it has not before been undertaken. The reason may perhaps be found in its magnitude as a State work, and to the impression that it should and would be executed by the general government, as coming properly within the

class of works belonging to it. It is now too essential to us, to be longer delayed, and must be accomplished by some power.

Nagshead is greatly more eligibly situated for an outlet, if Croaton Sound was closed, than was the new inlet on the Cape Fear, which was opened within the recollection of persons now living, and has already 14 feet water and gradually improving.

The Albermarle and tributaries, probably discharge five times the quantity of water which the Cape Fear does, and its course is directly for the Ocean, until it approaches some hundreds of yards, when it turns off at right angles and seeks an outlet 100 miles distant at Ocracoke.

The Cape Fear pursued a similar direction and nearer the Ocean to about the same distance, a similar beach intervening, then turned off less abruptly and found an outlet (the main bar) in 10 miles; and at the turn off a storm washed over the beach and cut out the new inlet. The Croaton Sound intercepts the water and draws it away before reaching Nagshead? Closing that sound, it appears to me, would force the water on Nagshead in such a body and power and with some slight assistance by cutting the strip of beach to give it a passage in the first instance, as would make the outlet.

This however, is a matter for the science of engineering. That the work is practicable all have agreed—that it ought to be accomplished none will deny who will reflect upon its immense importance to the State, both as to character and profit.

Congress in 1832 yielded the power to the State to impose a Tax on all vessels which might pass through an outlet to be made at Nagshead. The undertaking is evidently one which belongs to the General Government, where the power is lodged to regulate commerce in the States, and because it would be a source of revenue to her.

It would be of more consequence to trade, industry, and commercial enterprise, to say nothing of its greater cheapness than the Delaware Breakwater, and many other works which have been promptly undertaken by the General Government.

From the Chesapeake to Ocracoke, a distance of from 200 to 300 miles, there is not an Inlet or Harbour for vessels, driven on the coast by stress of weather—under such circumstances a dull sailer cannot be kept off, and the consequence is that the coast is lined with wrecks and covered with the graves of our seamen—should Ocracoke close as anticipated by Col. Kearney, the inaccessible coast is increased some 30 or 40 miles, and with it our maritime dangers and losses.

The public prints in Virginia have already directed the attention of her statesmen to the feasibility of drawing the trade of our State even as far as the Ocracoke country to their markets. To seizing upon and stripping the carcass, whilst the limbs are yet quivering with life. Shall we submit to this? Drained by South Carolina on the one hand, and by Virginia on the other, can we exist with honor or profit? Shall we not rather play back upon them their own game? The Rail Road, from the head of tide water on the Cape Fear, flanking South Carolina, may remedy our humiliating position in the one instance, and the opening an inlet at Nagshead, in the other.

Some twelve hundred vessels now cross the Ocracoke bar annually; and produce, of the value of one million of dollars, passes

through the canal, besides immense quantities in other directions to the Virginia markets. Not only all this trade, embracing the whole of that in the Albemarle country, but a large amount from several counties of Virginia lying on the tributaries of our water courses, would seek an outlet through our State by the opening of Nagshead, and go to build up a market in its neighborhood, equal, if not superior, to any in Virginia.

A survey and estimate of a ship channel from the Neuse to Beaufort, would afford the necessary information both of the practicability and cost of a work to relieve the navigation and trade of that section of country. The outlet at Nagshead would have some beneficial influence here, with the use of the Sound, and a more direct communication by a rail road to the town location on the Albemarle.

The selection between the rail road and ship channel, would be decided by the information to be required by the survey and estimate.

It is very evident that the trade of the Cape Fear cannot be carried to the Albemarle, and vice versa. Two points will therefore become necessary, at which to locate our home markets, and to these all our roads and other improvements of navigation should be made to look and concentrate.

If roads should be located, running from the ports and markets of Virginia and South Carolina, through the interior of our State, it is very clear that all the produce and trade above such a line of road, would be carried to those markets, dividing our State horizontally, the upper from the lower part, and virtually transferring the upper portion to our sister States. They, getting the substance, we retaining the semblance of a State. But, if the figure be reversed the apex of the angle resting on our own Ports and Markets, running its legs into our rich interior North and West, the effect would be to concentrate our wealth and resources within our own limits.

Let Wilmington be one point, with Roads running to the North, the direction of the Wilmington and Raleigh Rail Road, and to the West, the direction of the Roads heretofore recommended, and she must eventually, at least, receive the produce and trade of those sections, and commensurately increase in size and importance.

Let a market town, at the head of the Albemarle, if we succeed in opening Nagshead, or at Newbern, if a ship channel can be made to Beaufort, be the other point, and similar roads resting upon it, will give to the trade of the country through which they pass, a similar direction. And the intersection of the northern road from Wilmington, with the western road from the point on the Albemarle or Newbern, would lay open an intercourse between all parts of the State. The transportation of troops in the time of war, to the points of invasion and attack on the seaboard, with rail road facility, would be of incalculable importance. The transportation of the mail to our commercial points, adds no little to the value of such roads.

The construction of a turnpike road from Raleigh via Chapel Hill to the west, has been spoken of as highly desirable. On so rough and broken a route, I am inclined to believe that its cost would be more commensurate with its utility, than that of a rail road. And if a rail road should not be constructed from Raleigh intersecting the Wilmington and Raleigh rail road, which is highly important, I should recommend a continuance of the turnpike on that route; ulti-

mately to be continued to the Albemarle or Newbern, the selected point for a market town in the east.

Home markets of consumption would naturally spring up along the line of improvement—and home markets for exportation and importation on the seaboard. The valuable results of this state of things, will be the establishment of *common schools*, by the increase of the population and wealth of the State—the bringing together the citizens of remote districts into an intercourse of trade and friendship—the removal of sectional and geographical jealousies—and the assumption of that elevated position among our sister States, to which every honorable incentive impels us.

The currency of the State is intimately connected with the subject of domestic markets. The essential requisites to our currency are, that it be adequate to the exchanges of commodities into a circulating medium, and that it be so used.

As almost the whole of the agricultural products of this State are sold in the markets of other States—it follows that the money paid for these, consist principally of the currency of the States in which sales are made—such currency is put in circulation even in this State, to the exclusion of our own—but when merchandise is purchased in foreign markets for consumption here, and paid for in the currency of this State, it is brought back for redemption in specie. Thus, by this operation, the circulation of the currency authorised by this State, is restricted between the smallest limits—if, indeed, it can be properly said to have any circulation at all.

Home markets in which our people could both buy and sell, would permit the circulating medium of the State to pursue its appropriate function, without embarrassment. Having no foreign rival to struggle against, the amount might be safely increased to the extent required by the various wants of the community—it would be kept in active employment, and be absorbed in domestic commerce. Without home markets, its amount must necessarily be fluctuating and uncertain, because depending on causes beyond the control of the agents authorised by this State to supply it.

I know that to accomplish these works, and to carry into effect the system of General Improvement I have proposed, necessarily involves the expenditure of a large amount, and I know too that our people are too poor and too sparsely spread over a large territory to enable us to command the means at once from our private resources. We have but one alternative, and that has no bugbear terror to a mind of enlarged and patriotic views, I mean the employment of the State's credit in foreign markets. In England money is abundant, and may be borrowed on State stocks on excellent terms, say from $3\frac{1}{2}$ to 5 per cent. interest. This is a most fortunate conjuncture, and may never happen to us again. Wars destroy such opportunities and are of such frequent occurrence in Europe, that they may soon break out and rob us forever of the golden moments which seems beckoning us onward to prosperity and improvement. The credit of the State is all that is asked or that is required. It will involve no taxation, for if the works should be as valuable as I believe they will be, the profits arising from them will not only pay the interest of the debt, but the principal also.

I have already shown how much the present generation has done for posterity in the privation of two wars, and in the discharge of the immense public debt created by them—in the construction of

forts, the building of vessels, and other matters of consumption, draining and exhausting the means of the citizens and making the country poorer. It is now time that we looked to the permanent improvement of our beloved State; here the case is quite reversed. Money borrowed and judiciously applied for this purpose twice blesses the people: in the disbursements first, and in the value of the improvements afterwards.

Gentlemen, we have no choice in this matter. Our course must now be onward, or we must sink into insignificance and ruin. Our sister States are up and doing, they are pulling us at two of our extremes, drawing from us the life-blood of our existence; and unless we act, and act efficiently, we become the humble tributary, a mere Province of our neighbors. Energy and enterprise alone can rescue our trade, redeem our commercial degradation, and place us in that elevated and appropriate position which it becomes us to occupy in the sisterhood of Republics.

Cast your eyes on the surrounding States, and you can but contemplate the results of their energy with delight and admiration. Their canals, their rail-ways, their factories, and high state of agricultural improvement, rival the best and most early settled countries of the world; whilst their moral and intellectual advancement has been stimulated by, and kept pace with, their physical improvement.

If we are unmoved by facts so striking—if illustration so practical and so decisive, fails to convince, and to induce immediate and efficient action, argument is in vain—the cause is lost—the State is doomed—and the hopes of our Patriots' sons blasted forever.

A topographical, geological and minerological examination and survey of the State, is considered highly desirable. The minerals and ores are believed to be incalculably valuable, and the limestone and marble which might thus be brought to light, would benefit the farming interest beyond the cost of the undertaking.

The Literary Board employed C. B. Shaw, Esq. Engineer, to superintend the draining of the swamp lands; surveys have been made of a large tract in Hyde county; two canals located to Pungo and Alligator Lakes, and small portions of them put under contract. Difficulty has been experienced in obtaining bids for contracts, or more progress would have been made on the work. The law confined the Board to contracts only. If the employment of hands had been within their power, very probably more would have been done. In season, a report more in detail will be submitted by the Board on this very important subject.

The important subject of Common Schools was intrusted to the Board, that they might digest some system applicable to the crying wants of the State, and they have given it most anxious consideration. A variety of laws and systems have been politely furnished by the Governors of the States, to aid in the prosecution of this work. The result will also be communicated in season. A considerable fund has been set apart for this purpose. In Bank Stock, \$1,020,700. In Rail Road Stock, \$600,000, as soon as the last instalment of the State's subscription has been paid. Of the surplus—\$200,000, for draining swamp lands; \$61,654 11 in cash and notes on hand; \$33,500 stock Cape Fear Navigation Company; \$25,000 in Roanoke Navigation Company; making the sum of \$1,939,851 11, besides the income arising from entries of land, license to retailers of spirituous liquors, and to auctioneers; and

the swamp lands not granted to individuals before 1836, which will probably yield an income of \$120,000 to \$150,000 per annum, and would seem to warrant a commencement of system, which indeed is all that is at present required or practicable.

The State is utterly deficient in statistics from which to draw accurate information, not only upon this, but upon all other subjects. I am very certain however that teachers could not be procured for any extensive system, and as a deficiency of this class of useful individuals is a matter of complaint and regret in the oldest and best educated States of the Union, we could not draw them thence if desirable. We should adopt, in the first place, some plan to remedy this evil. Two modes have presented themselves—either the establishment of a school in some central position for the education of teachers, or an arrangement with the University by which such youths should be instructed free of charge, as would agree to devote themselves as school masters to the State for a term of years. The employment of a permanent Commissioner to superintend this branch of the service, will probably be necessary. He may be employed for the present in obtaining all the information in the State and elsewhere, necessary to proceeding with skill and effect.

The Constitution has given to the Executive the high prerogative of exercising clemency; which it is his duty to do according to the best of his judgment. To render this duty the more valuable to the community, he should be placed in possession of full and accurate information of the offence and punishment, which is not now the case; such information is brought to his notice by petition and representation drawn, by partial or prejudiced hands, and I have reason to believe frequently destitute of truth. To refuse the consideration of such, however, on that ground and suffer a human creature to expiate his crime with his life, when a possibility of innocence existed, would be unjust to the power with which he has been entrusted, and painful to him. To remedy this uncertainty, a report of all the State prosecutions by the presiding magistrate of all cases of conviction under the seal of the Clerks, should be made to the Executive immediately on the adjournment of Court, and before the execution of the sentence, from which source valuable information could be derived, in which the State is deficient on all matters.

The communication of the Hon. R. M. Saunders, a Judge of the Superior Courts of Law and Equity, herewith submitted, marked E., presents another defect in the law, to which I beg leave to call your attention.

Soon after the close of the last session, in obedience to an act for that purpose, General S. F. Patterson was commissioned to redeem \$300,000, the stock of the State issued in 1835, which duty he performed agreeable to law, and the bonds have been handed to the public Treasurer. On observing that Congress had appropriated thirty thousand dollars to pay the claims of this State for military expenditures during the last war, I commissioned Wm. H. Haywood, Jr. Esq. to make the settlement, I am happy to inform you, that he succeeded in doing so, and received the amount appropriated, in discharge of the claims. The money has been paid to the Public Treasurer. His Report will be made at an early day.

In obedience to an act of the last session, directing the appointment of a surveyor—commissioners to superintend the surveying & selling the recently acquired lands from the Cherokee Indians; the

appointments have been made, and the duties incidental thereto, performed.

The Report of the Commissioners of sale will be communicated at an early period.

Commissioners were also appointed to superintend the transcribing and printing the Revised Statutes, which duty has been performed; copies delivered agreeable to law, and the remaining number placed in the hands of Messrs. Turner & Hughes, of this place, for sale for the State.

A set of weights under an act of Congress has been received from the Secretary of the Treasury as a standard by which to regulate those in use in our State, which will require Legislative action. The importance of co-operative uniformity in all matters relative to commerce, trade, and intercourse of the different members of the Union, is too obviously necessary to need further comment at my hands, than has been bestowed on the currency and exchanges.

A compilation of military tactics, has been received from the Major General in chief, for the purpose of rendering the exercise of the Militia uniform, which will require your attention.

Six pieces of field artillery complete, and five hundred and ninety-seven muskets, the quota of 1837 inclusive, to which the State is entitled from the United States, have been received and ordered to be stored in Wilmington until disposition should be made of them by some action on your part.

The quota of 1838, of muskets, the ordnance department has requested to be informed if the State was desirous of converting, in part, or the whole, into any other species of arms. The communication is herewith submitted, marked F.

The Executive is unable to advise on this subject, except the number of arms ordered to be distributed by the last session. He has received no return of arms or men. The law gives the Adjutant General the option of making his returns to the General Assembly or the Commander-in-chief, and I believe it has been the custom to make the return of the militia, arms, accoutrements and magazines, directly to your body, which will put you in possession of all the necessary information to enable you to dispose of the subject.

Three instalments of the surplus revenue was received from the United States during the last year by the public treasurer, amounting to \$1,433,757 39 cents, which has been disposed of agreeably to the appropriations of the last session, namely \$300,000 in the redemption of the State stock—\$300,000 subscribed in the stock of the Bank of Cape Fear—\$200,000 carried to the credit of the Literary Fund, applicable to the draining of the swamp lands—\$100,000 placed in the public treasury, and the balance, \$533,757 39 cents, carried to the credit of the Board of Internal Improvements, for certain purposes agreeably to the resolution.

The general state of finances will be submitted to you by the officers in charge of that department. I will take the occasion to suggest whether reports from all the institutions of the State, in which the State has a pecuniary interest, should not be made to the Executive, previous to the meeting of the General Assembly, to enable him to take a general view of their situations, and give to the General Assembly a condensed statement of the same?

Great reliance has been placed on limited co-partnerships, for bringing into action a considerable amount of capital. I am

confident no injury could result from them, and as we require the active use of all our capital ; I deem the subject, worthy your consideration.

At the request of the States mentioned, I have the honor of submitting communications from them to your body. From Vermont in abolition of slavery ; New Hampshire relative to the surplus ; Connecticut and Arkansas on the Public Lands ; Connecticut on Executive Patronage—Georgia relative to the abduction of a slave by citizens of Maine ; Kentucky on the currency ; Louisiana relative to a Southern Convention to adopt measures against the machinations of Northern fanatics ; Alabama, Ohio and Rhode Island for and against the annexation of Texas ; and from Maine, Mississippi, Massachusetts, Maryland and Vermont on granting the privilege of franking to the State officers ; and from Missouri resolutions approbating the conduct of the Hon. Thos. H. Benton on the expunging resolution in the Senate of the U. S., all of which are in packet A.

The resignations of Justices of the Peace you will find in packet G.

In conclusion, Gentlemen, permit me to assure you of my ready co-operation in all matters for the comfort, improvement, and happiness of the citizens of the State.

I have the honor to be, Gentlemen,

With the highest consideration,

Your obedient servant.

EDWARD B. DUDLEY.

Executive Department, }
Nov. 21st, 1838. }

ERRATTA.—In the fourth page, on the 22d line, by the misplacing of a space, it reads “yet *there* action went on”—it should read, “yet *the* reaction” &c.

On the 7th page, in the 4th line of the second paragraph, for “Then we shipped,” read “*There* we shipped,” &c.

THOMAS LORING, PRINTER FOR THE LEGISLATURE.

LEGISLATURE OF NORTH CAROLINA:

RALEIGH, NOVEMBER, 1838.

Rules of Order

For the government of the General Assembly of North Carolina, to which are prefixed the Constitutions of North Carolina and the United States.

THE DECLARATION OF RIGHTS.

At a CONGRESS of the Representatives of the Freemen of the State of NORTH CAROLINA, assembled at Halifax, the seventeenth day of December, in the year of our Lord one thousand seven hundred and seventy six, for the purpose of establishing a CONSTITUTION, or FORM OF GOVERNMENT, for the said State :

A Declaration of Rights made by the Representatives of the Freemen of the State of North Carolina :

Section 1. That all political power is vested in and derived from the people only.

Sec. 2. That the people of this State ought to have the sole and exclusive right of regulating the internal government and police thereof.

Sec. 3. That no man or set of men are entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services.

Sec. 4. That the Legislative, Executive, and Supreme Judicial powers of Government, ought to be forever separate and distinct from each other.

Sec. 5. That all power of suspending laws, or the execution of laws, by any authority, without consent of the Representatives of the people, is injurious to their rights, and ought not to be exercised.

Sec. 6. That elections of Members to serve as Representatives in General Assembly, ought to be free.

Sec. 7. That in all criminal prosecutions, every man has a right to be informed of the accusation against him, and to confront the accusers and witnesses with other testimony, and shall not be compelled to give evidence against himself.

Sec. 8. That no freeman shall be put to answer any criminal charge, but by indictment, presentment, or impeachment.

Sec. 9. That no freeman shall be convicted of any crime, but by the unanimous verdict of a Jury, of good and lawful men, in open court, as heretofore used.

Sec. 10. That excessive bail should not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

Sec. 11. That general warrants, whereby any officer or messenger may be commanded to search suspected places, without evidence of the fact committed, or to seize any person or persons not named, whose offence is not particularly described and supported by evidence, are dangerous to liberty, and ought not to be granted.

Sec. 12. That no freeman ought to be taken, imprisoned or disseized of his freehold, liberties, or privileges, or outlawed or exiled, or in any manner destroyed or deprived of his life, liberty or property, but by the law of the land.

Sec. 13. That every freeman restrained of his liberty, is entitled to a remedy to inquire into the lawfulness thereof, and to remove the same if unlawful, and that such remedy ought not to be denied or delayed.

Sec. 14. That in all controversies at law, respecting property, the ancient mode of trial by jury, is one of the best securities of the rights of the people, and ought to remain sacred and inviolable.

Sec. 15. That the freedom of the Press is one of the great bulwarks of liberty, and therefore ought never to be restrained.

Sec. 16. That the people of this State ought not to be taxed or made subject to the payment of any impost or duty without the consent of themselves or their representatives in General Assembly, freely given.

Sec. 17. That the people have a right to bear arms for the defence of the State, and, as standing armies in time of peace are dangerous to liberty, they ought not to be kept up; and that the Military should be kept under strict subordination to, and governed by the Civil power.

Sec. 18. That the people have a right to assemble together, to consult for their common good, to instruct their Representatives, and to apply to the Legislature for redress of grievances.

Sec. 19. That all men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences.

Sec. 20. That for redress of grievances, and for amending and strengthening the laws, Elections ought to be often held.

Sec. 21. That a frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.

Sec. 22. That no hereditary emoluments, privileges or honors, ought to be granted or conferred in this State.

Sec. 23. That perpetuities and monopolies are contrary to the genius of a free State, and ought not to be allowed.

Sec. 24. That retrospective laws, punishing facts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust and incompatible with liberty, wherefore, no *ex post facto* law ought to be made.

Sec. 25. The property of the soil in a free government, being one of the essential rights of the collective body of the people, it is necessary in order to avoid future disputes, that the limits of the State should be ascertained with precision ; and as the former temporary line between *North* and *South Carolina* was confirmed and extended by Commissioners appointed by the Legislatures of the two States, agreeably to the order of the late King *George* the Second, in Council, that line, and that only, should be esteemed the Southern boundary of this State, as follows : *that is to say*, beginning on the sea side, at a cedar stake, at or near the mouth of *Little River*, being the southern extremity of *Brunswick* county, and running from thence, a north-west course through the boundary house, which stands in thirty-three degrees fifty-six minutes, to thirty-five degrees north Latitude ; and from thence a west course, so far as is mentioned in the charter of King *Charles* the Second, to the late proprietors of *Carolina*. Therefore, all the territories, seas, waters, and harbors, with their appurtenances, lying between the line above described, and the Southern line of the State of *Virginia*, which begins on the sea shore in thirty-six degrees thirty minutes north latitude, and from thence runs west, agreeably to the said charter of King *Charles*, are the right and property of the people of this State, to be held by them in sovereignty, any partial line without the consent of the Legislature of this State, at any time thereafter directed or laid out, in any wise, notwithstanding. *Provided always*, That this declaration of right shall not prejudice any nation or nations of *Indians*, from enjoying such hunting grounds as may have been, or hereafter shall be secured to them by any former or future Legislature of this State.— *And provided also*, That it shall not be construed so as to prevent the establishment of one or more Governments westward of this State, by consent of the Legislature. *And provided further*, That nothing herein contained, shall affect the titles or possessions of individuals, holding or claiming, under the laws heretofore in force, or grants heretofore made by the late King *George* the Third, or his predecessors, or the late Lords Proprietors or any of them.

December the 17th day, A. D. 1776 ; read the third time, and ratified in open Congress.

R. CASWELL, *President.*

JAMES GREEN, JR. *Secretary.*

THE CONSTITUTION OF NORTH CAROLINA.

The Constitution or form of Government, agreed to and resolved upon by the Representatives of the freemen of the State of North Carolina; elected and chosen for that particular purpose, in Congress assembled, at Halifax, the eighteenth day of December, in the year of our Lord one thousand seven hundred and seventy-six.

WHEREAS allegiance and protection are in their nature reciprocal, and the one should of right be refused when the other is withdrawn.— And whereas *George* the third, King of *Great Britain*, and late Sovereign of the *British American* Colonies, hath not only withdrawn from them his protection, but by an act of the *British* Legislature declared the inhabitants of these States out of the protection of the *British* Crown, and all their property found upon the high seas liable to be seized and confiscated to the uses mentioned in the said act. And the said *George* the third has also sent fleets and armies to prosecute a cruel war against them, for the purpose of reducing the inhabitants of the said colonies to a state of abject slavery. In consequence whereof, all government under the said King, within the said colonies, hath ceased, and a total dissolution of government in many of them hath taken place. And whereas the Continental Congress having considered the premises, and other previous violations of the rights of the good people of *America*, have therefore declared that the Thirteen United Colonies are, of right, wholly absolved from all allegiance to the *British* Crown, or any other foreign jurisdiction whatsoever, and that the said Colonies now are and forever shall be free and independent States: Wherefore, in our present state, in order to prevent anarchy and confusion, it becomes necessary that a government should be established in the State: Therefore, We the Representatives of the Freemen of *North Carolina*, chosen and assembled in Congress for the express purpose of framing a Constitution, under the authority of the people, most conducive to their happiness and prosperity, do declare that a Government for this State shall be established in manner and form following, to wit:

Section 1. That the Legislative authority shall be vested in two distinct branches, both dependent on the people, to wit: a Senate and House of Commons.

Sec. 2. That the Senate shall be composed of Representatives [annually] chosen by ballot, one from each [county] in this State.

Sec. 3. That the House of Commons shall be composed of Repre-

sentatives [annually] chosen by ballot, [two for each county, and one for each of the towns of Edenton, Newbern, Wilmington, Salisbury, Hillsborough and Halifax.]

Sec. 4. That the Senate and House of Commons, assembled for the purpose of legislation, shall be denominated the General Assembly.

Sec. 5. That each member of the Senate shall have usually resided in the [county] in which he is chosen, for one year immediately preceding his election; and for the same time shall have possessed, and continue to possess, in the [county] which he represents, not less than three hundred acres of land in fee.

Sec. 6. That each member of the House of Commons shall have usually resided in the [county] in which he is chosen, for one year immediately preceding his election, and for six months shall have possessed, and continue to possess, in the [county] which he represents, not less than one hundred acres of land in fee, or for the term of his own life.

Sec. 7. That all [freemen] of the age of twenty-one years, who have been inhabitants of any one [county] within the State twelve months immediately preceding the day of any election, and possessed of a freehold within the same [county] of fifty acres of land for six months next before and at the day of election, shall be entitled to vote for a member of the Senate.

Sec. 8. That all [freemen] of the age of twenty-one years, who have been inhabitants of any [county] within this State twelve months immediately preceding the day of any election, and shall have paid public taxes, shall be entitled to vote for members of the House of Commons for the county in which he resides.

Sec. 9. [That all persons possessed of a freehold in any Town in this State, having a right of representation, and also all freemen who have been inhabitants of any such town twelve months next before and at the day of election, and shall have paid public taxes, shall be entitled to vote for a member to represent such Town in the House of Commons. Provided always, That this section shall not entitle any inhabitant of such Town to vote for members of the House of Commons for the county in which he may reside, nor any freeholder in such county, who resides without or beyond the limits of such town, to vote for a member for said Town.]

Sec. 10. That the Senate and House of Commons when met, shall each have power to choose a Speaker and other their officers, be judges of the qualifications and elections of their members, sit upon their own adjournments from day to day, and prepare bills to be passed into laws. The two Houses shall direct writs of elections for supplying intermediate vacancies, and shall also jointly, by ballot, adjourn themselves to any future day and place.

Sec. 11. That all bills shall be read three times in each House before they pass into laws, and be signed by the Speakers of both Houses.

Sec. 12. That every person who shall be chosen a member of the Senate or House of Commons, or appointed to any office or place of trust, before taking his seat, or entering upon the execution of his office, shall take an oath to the State; and all officers shall also take an oath of office.

Sec. 13. That the General Assembly shall, by joint ballot of both Houses, appoint Judges of the Supreme Courts of Law and Equity, Judges of Admiralty, and [Attorney General] who shall be commissioned by the Governor, and hold their offices during good behavior.

Sec. 14. [That the Senate and House of Commons shall have power to appoint the Generals and Field Officers of the Militia, and all officers of the Regular Army of this State.]

Sec. 15. [That the Senate and House of Commons jointly, at their first meeting after each annual election, shall by ballot elect a Governor for one year, who shall not be eligible to that office longer than three years in six successive years.] That no person under thirty years of age, and who has not been a resident in this State above five years, and having in the State a freehold in lands and tenements above the value of one thousand pounds, shall be eligible as Governor.

Sec. 16. That the Senate and House of Commons jointly, at their first meeting after each [annual] election, shall by ballot elect seven persons to be a Council of State for [one year] who shall advise the Governor in the execution of his office; and that four members shall be a quorum; their advice and proceedings shall be entered in a Journal to be kept for that purpose only, and signed by the members present; to any part of which any member present may enter his dissent; and such Journal shall be laid before the General Assembly when called for by them.

Sec. 17. That there shall be a seal of this State, which shall be kept by the Governor, and used by him as occasion may require, and shall be called the Great Seal of the State of North Carolina, and be affixed to all grants and Commissions.

Sec. 18. That the Governor for the time being, shall be Captain General and Commander in Chief of the Militia; and in the recess of the General Assembly, shall have power, by and with the advice of the Council of State, to embody the militia for the public safety.

Sec. 19. That the Governor for the time being, shall have power to draw for and apply such sums of money as shall be voted by the General Assembly for the contingencies of Government, and be accountable to them for the same; he also may, by and with the advice of the

Council of State, lay embargoes, or prohibit the exportation of any commodity, for any term not exceeding thirty days at any one time, in the recess of the General Assembly, and shall have the power of granting pardons and reprieves, except where the prosecution shall be carried on by the General Assembly, or the law shall otherwise direct; in which case he may, in the recess, grant a reprieve until the next sitting of the General Assembly; and may exercise all the other Executive powers of Government, limited and restrained as by this constitution is mentioned, and according to the laws of the State; and on his death, inability, or absence from the State, the Speaker of the Senate for the time being, and in case of his death, inability, or absence from the State, the Speaker of the House of Commons shall exercise the powers of the Governor, after such death, or during such absence or inability of the Governor or Speaker of the Senate, [or until a new nomination is made by the General Assembly.]

Sec. 20. That in every case where any officer, the right of whose appointment is, by this Constitution vested in the General Assembly, shall, during their recess, die, or his office by other means become vacant, the Governor shall have power with the advice of the Council of State, to fill up such vacancy by granting a temporary commission, which shall expire at the end of the next session of the General Assembly.

Sec. 21. That the Governor, Judges of the Supreme Courts of Law and Equity, Judges of Admiralty and Attorney General, shall have adequate salaries during their continuance in office.

Sec. 22. That the General Assembly shall, by joint ballot of both Houses, [annually] appoint a Treasurer or Treasurers for this State.

Sec. 23. That the Governor and other officers offending against the State, by violating any part of this Constitution, mal-administration or corruption, may be prosecuted on the impeachment of the General Assembly, or presentment of the Grand Jury of any Court of Supreme Jurisdiction in this State.

Sec. 24. That the General Assembly shall, by joint ballot of both Houses, [triennially] appoint a Secretary for this State.

Sec. 25. That no persons who heretofore have been or hereafter may be, receivers of the public moneys, shall have a seat in either House of the General Assembly, or be eligible to any office in this State, until such person shall have fully accounted for and paid into the Treasury, all sums for which they may be accountable and liable.

Sec. 26. That no Treasurer shall have a seat in either the Senate, House of Commons, or Council of State, during his continuance in that office, or before he shall have finally settled his accounts with the public, for all moneys which may be in his hands, at the expiration of his

office, belonging to the State, and hath paid the same into the hands of the succeeding Treasurer.

Sec. 27. That no officer in the Regular Army or Navy, in the service and pay of the United States, of this or any other State, or any contractor or agent for supplying such Army or Navy with clothing or provisions, shall have a seat in either the Senate, House of Commons, or Council of State, or be eligible thereto; and any member of the Senate, House of Commons, or Council of State, being appointed to and accepting of such office, shall thereby vacate his seat.

Sec. 28. That no member of the Council of State shall have a seat either in the Senate or House of Commons.

Sec. 29. That no Judge of the Supreme Court of Law or Equity, or Judge of Admiralty, shall have a seat in the Senate, House of Commons, or Council of State.

Sec. 30. That no Secretary of this State, Attorney General or Clerk of any Court of Record, shall have a seat in the Senate, House of Commons, or Council of State.

Sec. 31. That no Clergyman, or Preacher of the Gospel, of any denomination, shall be capable of being a member of either the Senate, House of Commons, or Council of State, while he continues in the exercise of the Pastoral function.

Sec. 32. That no person who shall deny the being of God, or the truth of the [Protestant] Religion, or the divine authority either of the Old or New Testament, or who shall hold Religious principles, incompatible with the freedom and safety of the State, shall be capable of holding any office or place of trust or profit in the Civil department, within this State.

Sec. 33. That the Justices of the Peace, within the respective counties in this State, shall in future be recommended to the Governor for the time being by the Representatives in General Assembly, and the Governor shall commission them accordingly: And the Justices, when so commissioned, shall hold their offices during good behavior, and shall not be removed from office by the General Assembly unless for misbehavior, absence, or inability.

Sec. 34. That there shall be no establishment of any one Religious Church or denomination in this State in preference to any other; neither shall any person, on any pretence whatsoever, be compelled to attend any place of worship, contrary to his own faith or judgment; nor be obliged to pay for the purchase of any glebe, or the building of any house of worship, or for the maintenance of any minister or ministry, contrary to what he believes right, or has voluntarily and personally engaged to perform; but all persons shall be at liberty to exercise

their own mode of worship : *Provided*, that nothing herein contained shall be construed to exempt preachers of treasonable or seditious discourses from legal trial and punishment.

Sec. 35. That no person in the State shall hold more than one lucrative office at any one time. *Provided*, That no appointment in the Militia or to the office of a Justice of the Peace, shall be considered as a lucrative office.

Sec. 36. That all Commissions and Grants shall run in the name of the State of North Carolina, and bear test and be signed by the Governor. All writs shall run in the same manner, and bear test and be signed by the Clerks of the respective Courts ; Indictments shall conclude, against the peace and dignity of the State.

Sec. 37. That the Delegates for this State to the Continental Congress, while necessary, shall be chosen annually by the General Assembly, by ballot, but may be superseded in the mean time, in the same manner : and no person shall be elected to serve in that capacity for more than three years successively.

Sec. 38. That there shall be a Sheriff, Coroner or Coroners, and Constables in each county within this State.

Sec. 39. That the person of a debtor, where there is not a strong presumption of fraud, shall not be continued in prison after delivering up, *bona fide*, all his estate, real and personal, for the use of his creditors, in such manner as shall be hereafter regulated by law. All prisoners shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident, or presumption great.

Sec. 40. That every foreigner, who comes to settle in this State, having first taken an oath of allegiance to the same, may purchase, or by other just means acquire, hold and transfer land or other real estate ; and after one year's residence, shall be deemed a free citizen.

Sec. 41. That a school or schools shall be established by the Legislature for the convenient instruction of youth, with such salaries to the masters, paid by the public, as may enable them to instruct at low prices ; and all useful learning shall be duly encouraged and promoted in one or more Universities.

Sec. 42. That no purchase of lands shall be made of the Indian natives, but on behalf of the public, by authority of the General Assembly.

Sec. 43. That the future Legislature of this State shall regulate entails in such manner as to prevent perpetuities.

Sec. 44. That the declaration of rights is hereby declared to be part of the Constitution of this State, and ought never to be violated on any pretence whatever.

Sec. 45. That any member of either House of the General Assembly shall have liberty to dissent from, and protest against any act or resolve which he may think injurious to the public or any individual, and have the reasons of his dissent entered on the Journals.

Sec. 46. That neither House of the General Assembly shall proceed upon public business, unless a majority of all the members of such House are actually present, and that upon a motion made and seconded, the Yeas and Nays upon any question shall be taken and entered on the Journals; and that the Journals of the Proceedings of both Houses of the General Assembly, shall be printed and made public, immediately after their adjournment.

This Constitution is not intended to preclude the present Congress from making a temporary provision for the well ordering of this State, until the General Assembly shall establish Government agreeably to the mode herein before prescribed.

December the 18th, 1776, read the third time and ratified in open Congress.

R. CASWELL, *President.*

JAMES GREEN, JUN., *Secretary.*

AMENDMENTS.

WHEREAS the General Assembly of North Carolina, by an act, passed the sixth day of January, one thousand eight hundred and thirty-five, entitled "An act concerning a Convention to amend the Constitution of the State," and by an act, supplemental thereto, passed on the eighth day of January, one thousand eight hundred and thirty-five, did direct that polls should be opened in every election precinct throughout the State, for the purpose of ascertaining whether it was the will of the freemen of North Carolina that there should be a Convention of Delegates, to consider of certain amendments proposed to be made in the Constitution of said State; and did further direct, that, if a majority of all the votes polled by the freemen of North Carolina should be in favor of holding such Convention, the Governor should, by Pro-

clamation, announce the fact, and thereupon the freemen aforesaid should elect delegates to meet in Convention at the City of Raleigh, on the first Thursday in June, one thousand eight hundred and thirty-five, to consider of the said amendments : And whereas a majority of the freemen of North Carolina did, by their votes at the polls so opened, declare their will that a Convention should be had to consider of the amendment proposed, and the Governor did, by Proclamation, announce the fact that their will had been so declared, and an election for delegates to meet in Convention as aforesaid was accordingly had : Now, therefore, we the delegates of the good people of North Carolina, having assembled in Convention, at the city of Raleigh, on the first Thursday in June, one thousand eight hundred and thirty-five, and having continued in session from day to day, until the eleventh of July, one thousand eight hundred and thirty-five, for the more deliberate consideration of said amendments, do now submit to the determination of all the qualified voters of the State, the following amendments in the Constitution thereof, that is to say :

ARTICLE I.

SECTION I.

§ 1. The Senate of this State shall consist of fifty Representatives, biennially chosen by ballot, and to be elected by districts ; which districts shall be laid off by the General Assembly, at its first session after the year one thousand eight hundred and forty-one ; and afterwards, at its first session after the year one thousand eight hundred and fifty one ; and then every twenty years thereafter, in proportion to the public taxes paid into the Treasury of the State by the citizens thereof ; and the average of the public taxes paid by each county into the Treasury of the State, for the five years preceding the laying off of the districts, shall be considered as its proportion of the public taxes, and constitute the basis of apportionment : *Provided*, That no county shall be divided in the formation of a Senatorial district. And when there are one or more counties, having an excess of taxation above the ratio to form a Senatorial district, adjoining a county or counties deficient in such ratio, the excess or excesses aforesaid shall be added to the taxation of the county or counties deficient ; and if, with such addition, the county or counties receiving it shall have the requisite ratio, such county and counties each shall constitute a Senatorial district.

§ 2. The House of Commons shall be composed of one hundred and twenty Representatives, biennially chosen by ballot, to be elected by counties according to their federal population, that is, according to their respective numbers, which shall be determined by adding to the

whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons; and each county shall have at least one member in the House of Commons, although it may not contain the requisite ratio of population.

§ 3. This apportionment shall be made by the General Assembly, at the respective times and periods when the districts for the Senate are herein before directed to be laid off; and the said apportionment shall be made according to an enumeration to be ordered by the General Assembly, or according to the Census which may be taken by order of Congress, next preceding the period of making such apportionment.

§ 4. In making the apportionment in the House of Commons, the ratio of representation shall be ascertained by dividing the amount of Federal population of the State, after deducting that comprehended within those counties which do not severally contain the one hundred and twentieth part of the entire Federal population aforesaid, by the number of Representatives less than the number assigned to the said counties. To each county containing the said ratio, and not twice the said ratio, there shall be assigned one representative; to each county containing twice, but not three times the said ratio, there shall be assigned two Representatives, and so on progressively, and then the remaining Representatives shall be assigned severally to the counties having the largest fractions.

SECTION II.

§ 1. Until the first Session of the General Assembly which shall be had after the year eighteen hundred and forty-one, the Senate shall be composed of members to be elected from the several districts herein after named, that is to say, the 1st district shall consist of the counties of Perquimons and Pasquotank; the 2d district, of Camden and Currituck; the 3d district, of Gates and Chowan; the 4th district, Washington and Tyrell; the 5th district, Northampton; the 6th district, Hertford; the 7th district, Bertie; the 8th district, Martin; the 9th district, Halifax; the 10th district, Nash; the 11th district, Wake; the 12th district, Franklin; the 13th district, Johnston; the 14th district, Warren; the 15th district, Edgecomb; the 16th district, Wayne; the 17th district, Greene and Lenoir; the 18th district, Pitt; the 19th district, Beaufort and Hyde; the 20th district, Carteret and Jones; the 21st district, Craven; the 22d district, Chatham; the 23d district, Granville; the 24th district, Person; the 25th district, Cumberland; the 26th district, Sampson; the 27th district, New Hanover; the 28th district, Duplin; the 29th district, Onslow; the 30th district, Brunswick, Bladen and Columbus; the 31st district, Robeson and Rich-

mond; the 32d district, Anson; the 33d district, Cabarras; the 34th district, Moore and Montgomery; the 35th district, Caswell; the 36th district, Rockingham; the 37th district, Orange; the 38th district, Randolph; the 39th district, Guilford; the 40th district, Stokes; the 41st district, Rowan; the 42d district, Davidson; the 43d district, Surry; the 44th district, Wilkes and Ashe; the 45th district, Burke and Yancy; the 46th district, Lincoln; the 47th district, Iredell; the 48th district, Rutherford; the 49th district, Buncombe, Haywood and Macon; and the 50th district, Mecklenburg; each district to be entitled to one Senator.

§ 2. Until the first session of the General Assembly after the year eighteen hundred and forty-one, the House of Commons shall be composed of members elected from the Counties in the following manner, viz: The counties of Lincoln and Orange shall elect four members each. The counties of Burke, Chatham, Granville, Guilford, Halifax, Iredell, Mecklenburg, Rowan, Rutherford, Surry, Stokes, and Wake shall elect three members each. The counties of Anson, Beaufort, Bertie, Buncombe, Cumberland, Craven, Caswell, Davidson, Duplin, Edgecomb, Franklin, Johnston, Montgomery, New Hanover, Northampton, Person, Pitt, Randolph, Robeson, Richmond, Rockingham, Sampson, Warren, Wayne and Wilkes shall elect two members each. The counties of Ashe, Bladen, Brunswick, Camden, Columbus, Chowan, Currituck, Carteret, Cabarras, Gates, Greene, Haywood, Hertford, Hyde, Jones, Lenoir, Macon, Moore, Martin, Nash, Onslow, Pasquotank, Perquimons, Tyrrell, Washington and Yancy shall elect one member each.

SECTION III.

§ 1. Each member of the Senate shall have usually resided in the district for which he is chosen for one year immediately preceding his election, and for the same time shall have possessed and continue to possess in the district which he represents not less than three hundred acres of land in fee.

§ 2. All freemen of the age of twenty-one years, (except as is hereinafter declared) who have been inhabitants of any one district within the State twelve months immediately preceding the day of any election, and possessed of a freehold within the same district of fifty acres of land for six months next before and at the day of election, shall be entitled to vote for a member of the Senate.

§ 3. No free Negro, free mulatto, or free person of mixed blood, descended from negro ancestors to the fourth generation inclusive (though one ancestor of each generation may have been a white person,) shall vote for members of the Senate or House of Commons.

SECTION IV.

§ 1. In the election of all officers whose appointment is conferred on the General Assembly by the Constitution, the vote shall be *viva voce*.

§ 2. The General Assembly shall have power to pass laws regulating the mode of appointing and removing Militia Officers.

§ 3. The General Assembly shall have power to pass general laws regulating divorce and alimony, but shall not have power to grant a divorce or secure alimony in any individual case.

§ 4. The General Assembly shall not have power to pass any private law, to alter the name of any person, or to legitimate any persons not born in lawful wedlock, or to restore to the rights of citizenship any person convicted of an infamous crime; but shall have power to pass general laws regulating the same.

§ 5. The General Assembly shall not pass any private law, unless it shall be made to appear that thirty days notice of application to pass such law shall have been given, under such directions and in such manner as shall be provided by law.

§ 6. If vacancies shall occur by death, resignation or otherwise, before the meeting of the General Assembly, writs may be issued by the Governor, under such regulations as may be prescribed by law.

§ 7. The General Assembly shall meet biennially, and at each biennial session shall elect, by joint vote of the two Houses, a Secretary of State, Treasurer and Council of State, who shall continue in office for the term of two years.

ARTICLE II.

§ 1 The Governor shall be chosen by the qualified voters for the members of the House of Commons, at such time and places as members of the General Assembly are elected.

§ 2. He shall hold his office for the term of two years from the time of his installation, and until another shall be elected and qualified; but he shall not be eligible more than four years in any term of six years.

§ 3. The returns of every election for Governor shall be sealed up and transmitted to the seat of Government, by the returning officers, directed to the Speaker of the Senate, who shall open and publish them in the presence of a majority of the members of both Houses of the General Assembly. The person having the highest number of votes, shall be Governor; but if two or more shall be equal and highest in votes, one of them shall be chosen Governor by joint vote of both Houses of the General Assembly.

§ 4. Contested elections for Governor shall be determined by both Houses of the General Assembly, in such manner as shall be prescribed by law.

§ 5. The Governor elect shall enter on the duties of the office on the first day of January next after his election, having previously taken the oaths of office in presence of the members of both branches of the General Assembly, or before the Chief Justice of the Supreme Court, who, in case the Governor elect should be prevented from attendance before the General Assembly, by sickness or other unavoidable cause, is authorised to administer the same.

ARTICLE III.

SECTION I.

§ 1. The Governor, Judges of the Supreme Court, and Judges of the Superior Courts, and all other officers of this State, (except Justices of the Peace and Militia officers,) may be impeached for wilfully violating any Article of the Constitution, mal-administration or corruption.

§ 2. Judgment, in cases of Impeachment, shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust or profit under this State; but the party convicted, may, nevertheless, be liable to indictment, trial, judgment and punishment according to law.

§ 3. The House of Commons shall have the sole power of impeachment. The Senate shall have the sole power to try all impeachments; no person shall be convicted upon any impeachment, unless two-thirds of the Senators present shall concur in such conviction; and before the trial of any impeachment, the member of the Senate shall take an oath or affirmation, truly and impartially to try and determine the charge in question according to evidence.

SECTION II.

§ 1. Any Judge of the Supreme Court, or of the Superior Courts, may be removed from office for mental or physical inability, upon a concurrent resolution of two-thirds of both branches of the General Assembly. The Judge against whom the Legislature may be about to proceed, shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least twenty days before the day on which either branch of the General Assembly shall act thereon.

§ 2. The salaries of the Judges of the Supreme Court, or of the Superior Courts, shall not be diminished during their continuance in office.

SECTION III.

Upon the conviction of any Justice of the Peace, of any infamous crime, or of corruption and mal-practice in office, the commission of such Justice shall be thereby vacated, and he shall be forever disqualified from holding such appointment.

SECTION IV.

The General Assembly, at its first session after the year one thousand eight hundred and thirty-nine, and from time to time thereafter, shall appoint an Attorney General, who shall be commissioned by the Governor, and shall hold his office for the term of four years; but if the General Assembly should hereafter extend the term during which Solicitors of the State shall hold their offices, then they shall have power to extend the term of office of the Attorney General to the same period.

ARTICLE IV.

SECTION I.

§ 1. No Convention of the People shall be called by the General Assembly, unless by the concurrence of two-thirds of all the members of each House of the General Assembly.

§ 2. No part of the Constitution of this State shall be altered, unless a Bill to alter the same shall have been read three times in each House of the General Assembly, and agreed to by three-fifths of the whole number of members of each House respectively; nor shall any alteration take place until the Bill so agreed to shall have been published six months previous to a new election of members to the General Assembly. If, after such publication, the alteration proposed by the preceding General Assembly, shall be agreed to in the first session thereafter by two thirds of the whole representation in each House of the General Assembly, after the same shall have been read three times on three several days in each House, then the said General Assembly shall prescribe a mode by which the Amendment or Amendments may be submitted to the qualified voters of the House of Commons throughout the State; and if, upon comparing the votes given in the whole State, it shall appear that a majority of the voters have approved thereof, then, and not otherwise, the same shall become a part of the Constitution.

SECTION II.

The thirty-second section of the Constitution shall be amended to read as follows: No person who shall deny the being of God, or the truth of the Christian Religion, or the divine authority of the Old or New Testament, or who shall hold religious principles incompatible with

the freedom or safety of the State, shall be capable of holding any office or place of trust or profit in the civil department within this State.

SECTION III.

§ 1. Capitation tax shall be equal throughout the State upon all individuals subject to the same.

§ 2. All free males over the age of twenty-one years, and under the age of forty-five years, and all slaves over the age of twelve years, and under the age of fifty years, shall be subject to Capitation tax, and no other person shall be subject to such tax; provided that nothing herein contained shall prevent exemptions of taxable polls as heretofore prescribed by law in cases of bodily infirmity.

SECTION IV.

No person who shall hold any office or place of trust or profit under the United States, or any department thereof, or under this State, or any other State or Government, shall hold or exercise any other office or place of trust or profit under the authority of this State, or be eligible to a seat in either House of the General Assembly: Provided, that nothing herein contained shall extend to officers in the Militia or Justices of the Peace.

*Ratified in Convention, this eleventh day of July, in the year
of our Lord one thousand eight hundred and thirty-five,*

NATHANIEL MACON, *President.*

EDMUND B. FREEMAN, *Secretary of the Convention,*

JOSEPH D. WARD, *Assistant Secretary.*

AN ORDINANCE

TO CARRY INTO EFFECT THE AMENDED CONSTITUTION.

Be it ordained and declared by the Delegates to this Convention, in Convention assembled, and it is hereby ordained by the authority of the same, That the Amendments to the Constitution of this State, adopted by this Convention, be submitted by the Governor to the people, on the second Monday in November next, thirty days notice having been given, and that the Polls be opened by the respective Sheriffs, and kept open for three successive days, at the several Election precincts in each and every county in the State, under the same rules and regulations, as now exist, for the election of Members to the General Assembly. That the said Sheriffs be required to compare and certify the results of the elections, on or before the Monday following, and transmit the same in twenty days thereafter, to the Governor of the State. That all persons qualified to vote for members of the House of Commons, may vote for or against a ratification of the Amendments. Those who wish a ratification of the Amendments, voting with a printed or written Ticket, "*Ratification*,"—those of a contrary opinion, "*Rejection*."

Further, That it shall be the duty of the Sheriffs to make duplicate statements of the polls in their respective counties, sworn to before the Clerk of the County Court; one copy of which shall be deposited in said Clerk's Office, and the other copy transmitted to the Governor of the State, at Raleigh.

Be it further ordained by the authority of the same, That when the returns aforesaid shall have been received, the same shall be opened by the Governor in the presence of the Secretary of State and Treasurer, and in case a majority of the votes polled shall be in favor of a ratification of the Amendments, the same shall be forthwith made known by a Proclamation of the Governor to the people of the State. And thereupon, the Governor shall cause to be endorsed on the amendments, as enrolled by order of the Convention, or shall annex thereunto, a certificate under his signature declaring that the said amendments have been ratified by the people of North Carolina, and the Secretary of State shall countersign the said certificate, and annex thereto the Great Seal of the State, and the said amendments so enrolled with the certificate aforesaid shall be forever kept among the archives of the State in the Office of the Secretary aforesaid.

Be it further ordained by the authority aforesaid, That the amendments thus ratified shall take effect, and be in force, from and after the first day of January, A. D. one thousand eight hundred and thirty-six: Provided, however, that the Governor, the Council of State, the Secretary of State and the Public Treasurer, who may then be in office, shall severally continue to exercise their respective functions until the Governor, Council of State, Secretary of State and Public Treasurer, appointed under the amended Constitution, shall enter upon the duties of their office.

Ratified in Convention, this eleventh day of July, A. D. one thousand eight hundred and thirty-five.

NATHANIEL MACON, *President.*

EDMUND B. FREEMAN, *Secretary of the Convention.*

JOSEPH D. WARD, *Assistant Secretary.*

CONSTITUTION OF THE UNITED STATES.

WE, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I.

SECTION I.

All legislative powers herein granted, shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION II.

The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

2. No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several States which may be included within this union, according to their respective numbers; which shall be determined by adding to the whole number of free persons, (including those bound to service for a term of years, and excluding Indians not taxed,) three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand; but each State shall have at least one Representative: And until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

4. When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

5. The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment.

SECTION III.

The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years; and each Senator shall have one vote.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year; and of the second class, at the expiration of the fourth year; and of the third class at the expiration of the sixth year; so that one third may be chosen every second year. And if vacancies happen, by resignation or otherwise, during the recess of the Legislature of any State, the executive thereof may make temporary appointments, until the next meeting of the Legislature, which shall then fill such vacancies.

3. No person shall be a Senator, who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

4. The Vice President of the United States shall be President of the Senate; but shall have no vote, unless they be equally divided.

5. The Senate shall choose their other officers, and also a President pro tempore, in the absence of the Vice President, or when he shall exercise the office of the President of the United States.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation.—When the President of the United States is tried, the Chief Justice shall preside: And no person shall be convicted without the concurrence of two-thirds of the members present.

7. Judgment in cases of impeachment, shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

SECTION IV.

The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may, at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION V.

Each house shall be the judge of the elections, returns, and qualifications of its own members; and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each House may provide.

2. Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member.

3. Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either House, on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

4. Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

SECTION VI.

The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest, during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

2. No Senator or Representative shall during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time: and no person holding any office under the United States, shall be a member of either House, during his continuance in office.

SECTION VII.

All bills for raising revenue, shall originate in the House of Representatives; but the Senate may propose, or concur with amendments, as on other bills.

2. Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to the President of the United States. If he approve, he shall sign it; but if not, he shall return it, with his objections, to that House in which it shall

have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House; by which it shall likewise be reconsidered, and, if approved by two-thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill, shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return; in which case it shall not be a law.

3. Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary, (except on a question of adjournment,) shall be presented to the President of the United States, and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION VIII.

The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

2. To borrow money on the credit of the United States.

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

4. To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States.

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures.

6. To provide for the punishment of counterfeiting the securities and current coin of the United States.

7. To establish post offices and post roads.

8. To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors the exclusive right to their respective writings and discoveries.

9. To constitute tribunals, inferior to the Supreme Court, to define and punish piracies and felonies, committed on the high seas, and offences against the laws of nations.

10. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

11. To raise and support armies ; but no appropriation of money to that use shall be for a longer term than two years.

12. To provide and maintain a navy.

13. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

14. To make rules for the government and regulation of the land and naval forces.

15. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.

16. To exercise exclusive legislation, in all cases whatsoever, over such district, (not exceeding ten miles square,) as may, by cession of particular States and the acceptance of Congress, become the seat of the Government of the United States ; and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock yards, and other needful buildings ; and

17. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution, in the government of the United States, or in any department or officer thereof.

SECTION IX.

The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight ; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

2. The privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

3. No bill of attainder or *ex post facto* law shall be passed.

4. No capitation, or other direct tax, shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

5. No tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another ; nor shall vessels bound to or from one State, be obliged to enter, clear, or pay duties in another.

6. No money shall be drawn from the Treasury, but in consequence of appropriations made by law ; and a regular statement and account

of the receipts and expenditures of all public money shall be published from time to time.

7. No title of nobility shall be granted by the United States ; and no person holding any office of profit or trust under them, shall, without the consent of Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign State.

SECTION X.

No State shall enter into any treaty, alliance, confederation ; grant letters of marque and reprisal ; coin money, emit bills of credit ; make any thing but gold and silver coin a tender in payment of debts ; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts ; or grant any title of nobility.

2. No State shall, without the consent of Congress, lay any impost or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws ; and the nett produce of all duties and impost, laid by any State on imports or exports, shall be for the use of the Treasury of the United States ; and all such laws shall be subject to the revision and control of the Congress. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in a war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

SECTION I.

The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows :

2. Each State shall appoint in such manner as the Legislature thereof may direct a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress, but no senator, or representative, or persons holding an office of trust or profit under the United States, shall be appointed an elector.

3. The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least, shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each ; which list they shall sign and certify, and transmit, sealed to the seat of government of the United States, directed to the president of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes then shall be counted. The

person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed ; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President, and if no person have a majority, then from the five highest on the list, the said House shall in like manner choose the President, but in choosing the President the votes shall be taken by States, the representation from each State having one vote ; a quorum for this purpose shall consist of a member or members from two thirds of the States ; and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors, shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice-President.

4. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes ; which day shall be the same throughout the United States,

5. No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this constitution, shall be eligible to the office of President ; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident of the United States.

6. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President ; and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

7. The President shall, at stated times, receive for his services, a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

8. Before he enters on the execution of his office, he shall take the following oath or affirmation :

9. *"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."*

SECTION II.

The President shall be commander in chief of the army and navy of the United States, and of the militia of the several States, when called

into the actual service of the United States, he may require the opinion in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, Judges of the Supreme Court, and all other officers of the U. States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may by law, vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

SECTION III.

He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary, and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

SECTION IV.

The President, Vice-President and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

SECTION I.

The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges both of the supreme and inferior Courts, shall hold their offices during good behavior; and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

SECTION II.

The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties

made, or which shall be made, under their authority—to all cases affecting ambassadors, other public ministers and consuls—to all cases of admiralty and maritime jurisdiction—to controversies to which the United States shall be a party—to controversies between two or more States—between a State and citizens of another State—between citizens of different States—between citizens of the same State claiming lands under grants of different States—and between a State, or the citizens thereof, and foreign States, citizens or subjects.

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact; with such exceptions, and under such regulations as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crime shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

SECTION III.

Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attained.

ARTICLE IV.

SECTION I.

Full faith and credit shall be given in each State of the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effects thereof.

SECTION II.

The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

2. A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall on the demand of the Executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

3. No person held to service or labor in one State, under the laws thereof, escaping into another, shall in consequence of any law or re-

gulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

SECTION III.

New States may be admitted by the Congress into this Union ; but no new State shall be formed or erected within the jurisdiction of any other State ; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislature of the States concerned, as well as of the Congress.

2. The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or property belonging to the United States ; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

SECTION IV.

The United States shall guarantee to every State in this Union, a republican form of government, and shall protect each of them against invasion ; and on application of the Legislature, or of the Executive, (when the Legislature cannot be convened) against domestic violence.

ARTICLE V.

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a Convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by Conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: *Provided*, That no amendment which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article ; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

All debts contracted, and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the confederation.

2. This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the Supreme law of the land ; and the judges in every State shall be bound thereby,

any thing in the Constiitution or laws of any State to the contrary notwithstanding.

3. The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all Executive and Judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

The ratification of the Conventions of nine States, shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

DONE in Convention, by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America, the twelfth. In witness whereof, we have hereunto subscribed our names.

GEORGE WASHINGTON,

President, and Deputy from Virginia.

New Hampshire

John Langdon,
Nicholas Gilman.

Massachusetts.

Nathaniel Gorham,
Rufus King.

Connecticut.

William Samuel Johnson,
Roger Sherman.

New York.

Alexander Hamilton.

New Jersey.

William Livingston,
David Brearly,
William Patterson,
Jonathon Dayton.

Pennsylvania.

Benjamin Franklin,
Thomas Mifflin,
Robert Morris,
George Clymer,
Thomas Fitzsimons,
Jared Ingersoll,
James Wilson,
Gouverneur Morris.

Delaware.

George Read,
Gunning Bedford, jun.
John Dickinson,
Richard Bassett,
Jacob Broom.

Maryland.

James M'Henry,
Daniel of St. Thomas Jenifer,
Daniel Carroll.

Virginia.

John Blair,
James Madison, jun.

North Carolina.

William Blount,
Richard Dobbs Speight,
Hugh Williamson.

South Carolina.

J. Rutledge,
Charles Cotesworth Pinckney,
Charles Pinckney,
Pierce Butler.

Georgia.

William Few,
Abr. Baldwin.

Attest: WILLIAM JACKSON, *Secretary.*

AMENDMENTS TO THE CONSTITUTION.

ARTICLE I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II.

A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

ARTICLE V.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service, in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case, to be a witness against himself, nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district

wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence.

ARTICLE VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.

The enumeration in the constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

ARTICLE XI.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

ARTICLE XII.

The electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of Government of the United States, directed to the President of the Senate; and the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the

person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the 4th day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President.

2. The person having the greatest number of votes as Vice President, shall be the Vice President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice President: a quorum for the purpose shall consist of two thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of President, shall be eligible to that of Vice President of the United States.

RULES OF ORDER

FOR THE GOVERNMENT OF THE SENATE.

1. When the Speaker takes the chair, each member shall take his seat ; and on the appearance of a quorum, the Journal of the preceding day shall be read.

2. After the reading of the Journal of the preceding day, the Senate shall proceed to business in the following order, to wit : 1st the receiving petitions, memorials, pension certificates and papers addressed either to the General Assembly or to the Senate ; 2d, the reports of standing committees ; 3d, the reports of select committees ; 4th, resolutions ; 5th, bills ; 6th, bills, resolutions, petitions, memorials, messages, pension certificates, and other papers on the table. Then the orders of the day ; but motions and messages to elect officers, shall always be in order.

3. When any member is about to speak in debate or deliver any matter to the House, he shall rise from his seat and respectfully address himself to the Speaker, and shall confine himself to the question under debate, and avoid personality. And when two or more members happen to rise at once, the Speaker shall name the one who is first to speak. No member shall speak oftener than twice on the same question, without leave of the House. And when any member is speaking, he shall not be interrupted by any person, either by speaking or by standing, or passing between him and the Chair.

4. All Bills and Resolutions of a public nature, introduced, shall pass, as a matter of course, the first reading.

5. If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may call him to order ; in which case the member so called to order shall immediately sit down, unless permitted to explain ; and the House shall, if appealed to, decide on the case, but without debate. If there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed ; if otherwise, and the case require it, he shall be liable to the censure of the House.

6. When a motion is made and seconded, no other motion shall be received, unless it be to amend the main question, to postpone it to a

day certain, to postpone it indefinitely, to commit it, to let it lie on the table, or to adjourn.

7. Questions may be stated by the Speaker sitting, but shall be put standing. Questions shall be distinctly put in this form: "Senators, as many as are of opinion that (as the case may be) say Aye:" and after the affirmative voice is expressed—"As many as are of a contrary opinion, say No." If the Speaker doubt as to the voice of the majority, or a division be called for, the Speaker shall call on those in the affirmative of the question to rise from their seats, and afterwards those in the negative. If the Speaker still doubt, or a count be required, the Speaker shall name two members, one from each side, to tell the number in the affirmative; which being reported, he shall then name two others, one from each side, to tell those in the negative; which being also reported, he shall state the division to the House, and announce its decision. No member, who was without the bar of the Senate when any question was put from the Chair, shall enter his Yea or Nay without leave, unless he shall have been absent on some committee.

8. When any member shall make a motion which is not of course, he shall reduce the same to writing, if required.

9. In all cases of election by the House, the Speaker shall vote; and when on a division, there shall be an equal number of votes, the Speaker shall decide the question. In no other case shall he vote, unless his vote, if given to the minority, will make the division equal; and when an equal division is produced by the Speaker's vote, the question shall be lost.

10. No member shall depart the service of the House without leave, or receive pay as a member for the time he is absent.

11. Petitions, memorials, and other papers addressed to the House shall be presented by the Speaker, or by a member in his place; a brief statement of the contents thereof shall verbally be made by the introducer, and the petition, memorial, or other paper shall not be read, unless so ordered by the House.

12. Resolutions for the appropriation of public money, and all resolutions of a public nature, as well as all bills, shall be read the first time for information; and, upon this reading, shall not be subject to amendment; but may be amended on the second and third reading. And the Clerk shall keep a calender of all such resolutions and bills, with the orders taken on them, for the the inspection of the members of the Senate.

13. All bills of a public nature, when ready for the second reading, shall be noted to be read at least one day previous thereto; and then shall first be read for information, and afterwards, paragraph by paragraph, and held open for amendment.

14. After a bill has been once rejected, postponed indefinitely, or to a day beyond the session, another of like provisions shall not be introduced during the same session.

15. When a question has been once decided, it shall be in order for any member in the majority to move for a reconsideration thereof on the same or succeeding day, if the bill, resolution, or paper, upon which the question has been taken, be in possession of the Senate.

16. The Speaker shall examine and correct the Journal before it is read; he shall have the general directions of the Hall; he shall designate the members who shall compose all committees, except when otherwise ordered; and the select committees of this House shall consist of five members.

17. There shall be appointed by the Speaker, the following committees, viz: a committee of propositions and grievances; a committee of privileges and elections; a committee of claims; a committee on the judiciary; a committee on Internal Improvement; and a committee on Education and the Literary Fund, consisting of seven members each.

18. When the House resolves itself into a Committee of the Whole, the Speaker shall leave the chair, and appoint a Chairman; and when upon any other occasion, the Speaker wishes to leave the chair, he shall appoint a Speaker pro. tem.

19. When any petition, memorial or other paper addressed to the House, shall have been referred either to one of the standing or select committees, they shall, in their report on the petition, memorial, or other paper, make a statement in writing of the facts embraced in the case so referred.

20. In case of any disturbance or disorderly conduct in the gallery or lobby, the Speaker, or Chairman of the Committee of the Whole House, shall have power to have the same cleared.

21. No person, except members of the House of Commons, Officers and Clerks of the two Houses of the General Assembly, Judges of the Supreme and Superior Courts, officers of the State resident at the seat of government, members of Congress, persons particularly invited by the Speaker, and such gentlemen as have been members of either House of the Legislature, shall be admitted within the Hall of the Senate.

22. Any member dissatisfied with the decision of the Speaker on any question of order, may appeal to the House.

23. When the House adjourns, the members shall keep their seats till the Speaker leaves the chair.

24. On motion of adjournment, the question shall be decided without debate.

25. The rules for the government of the Senate shall not be amended or altered, without giving at least one day's notice of such amendment or alteration, except by the consent of two-thirds of the members present.

ANDREW JOYNER,

Speaker of the Senate.

By Order:

THOMAS G. STONE, *Clerk.*

RULES AND ORDER

OF CONDUCTING BUSINESS IN THE HOUSE OF COMMONS.

Touching the Duty of the Speaker.

1. He shall take the Chair every day precisely at the hour to which the House shall have adjourned, on the preceding day; shall immediately call the members to order, and on the appearance of a quorum, shall cause the Journal of the preceding day to be read.

2. He shall preserve decorum and order; may speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the House by any member; on which appeal, no member shall speak more than once, unless by leave of the House.

3. He shall rise to put a question, but may state it sitting.

4. Questions shall be distinctly put in this form, viz: "As many as are of opinion that, (as the question may be,) say Aye:" and after the affirmative voice is expressed, "As many as are of a contrary opinion, say No." If the Speaker doubt, or a division be called for, the House shall divide: Those in the affirmative of the question, shall rise from their seats; and afterwards those in the negative. If the Speaker still doubt, or a count be required, the Speaker shall name two members, one from each side, to tell the members in the affirmative; which being reported, he shall then name two others, one from each side, to tell those in the negative; which being also reported, he shall rise and state the decision to the House.

5. The Speaker shall examine and correct the Journal before it is read. He shall have a general direction of the Hall. He shall have the right to name any member to perform the duties of the Chair; but such substitution shall not extend beyond an adjournment, except in case of sickness.

6. All committees shall be appointed by the Speaker, unless otherwise specially directed by the House.

7. In all elections, the Speaker shall vote. In other cases, he shall not vote, unless the House be equally divided; or unless his vote, if given to the minority, will make the division equal: in case of such equal division, the question shall be lost.

8. The Speaker shall arrange the orders of the day unless the House shall otherwise direct.

9. All acts, addresses, and joint resolutions, shall be signed by the Speaker; and all writs, warrants and subpoenas issued by order of the House, shall be under his hand and seal, attested by the Clerk.

10. In case of any disturbance or disorderly conduct in the galleries or lobby, the Speaker (or Chairman of the committee of the whole) shall have power to order the same to be cleared.

11. No person shall be permitted to come within the bar of the House, unless by the invitation of the Speaker or some member of the House.

12. Stenographers wishing to take down the debates, may be admitted by the Speaker, who shall assign such places to them on the floor or elsewhere, to effect their object, as shall not interfere with the convenience of the House.

Order of Business of the Day.

13. The unfinished business in which the House was engaged at the last preceding adjournment, shall have the preference in the orders of the day; and no motion or any other business shall be received without special leave of the House, until the former is disposed of. All elections by the House, shall be *viva voce*, unless there be but one nominee, in which case appointments may be made on motion.

Of Decorum and Debate.

14. When any member is about to speak in debate or deliver any matter to the House, he shall rise from his seat and respectfully address himself to the Speaker.

15. If any member in speaking or otherwise transgress the rules of the House, the Speaker shall, or any other member may, call him to order; in which case the member so called to order, shall immediately take his seat, unless permitted to clear a matter of fact or to explain; and the House shall, if appealed to, decide on the case.—If there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, and the case require it, he shall be liable to the censure of the House.

16. When two or more members rise at the same time, the Speaker shall name the member to speak.

17. No member shall speak more than twice on the same question, without leave of the House.

18. Whilst the Speaker is putting any question or addressing the House, no person shall speak, stand up, or walk out or across the House; nor when a member is speaking entertain private discourse, stand up, or pass between him and the Chair.

19. No member shall vote on any question, in the event of which, he is immediately and directly interested, or in case where he was not present when the question was put by the Speaker. Upon a division and count of the House on any question, no member without the bar shall be counted.

20. Every member who shall be in the House when the question is stated, shall give his vote, unless the House, for special reasons, shall excuse him.

21. When a motion is made and seconded, it shall be stated by the Speaker, or if written, it shall be handed to the Chair, and read aloud by the Clerk, before debated.

22. Every motion shall be reduced to writing, if the Speaker or any two members desire it.

23. After a motion is stated by the Speaker, or read by the Clerk, it shall be deemed to be in possession of the House; but may be withdrawn before a decision or amendment.

24. When a question is under debate, no motion shall be received, but to adjourn, to lay on the table, to postpone indefinitely, to postpone to a day certain, to commit or amend; which several motions shall have precedence in the order they stand arranged; and no motion to lay on the table, to postpone indefinitely, to postpone to a day certain, to commit or amend, being decided, shall be again allowed on the same day and at the same stage of the bill of proposition.

25. A motion to adjourn shall always be in order, except when the House is voting, and shall be decided without debate.

26. When a question is postponed indefinitely, the same shall not be acted upon again during the session.

27. Any member may call for a division of the question, when the same will admit of it; which shall be determined by the Speaker.

28. When a motion has been once made, and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the re-consideration thereof, on the same or succeeding day.

29. When the reading of a paper is called for, which has been read in the House, and the same is objected to by any member, it shall be determined by a vote of the House.

30. Petitions, memorials, and other papers addressed to the House, shall be presented by the Speaker, or by a member in his place; a brief statement of the contents thereof shall verbally be made by the introducer; and shall not be debated or decided on the day of their being first read, unless when the House shall direct otherwise, but shall lie on the table to be taken up in the order they were read.

31. No bill, petition, memorial, or other papers that may be introdu-

ced, shall be taken out of the possession of the House, or sent to the Senate until the time for reconsideration shall have elapsed.

32. When the yeas and nays are called for on any question, it shall be on motion before the question is put; and if seconded, the question shall be decided by yeas and nays; and in taking the yeas and nays, or on a call of the House, the names of the members shall be taken alphabetically.

33. No member shall be called upon for words spoken in the House but on the day they were spoken. Decency of speech shall be observed, and personal reflections carefully avoided.

34. Any twenty members, including the Speaker, shall be authorized to compel the attendance of absent members.

35. No member or officer of the House shall absent himself from the service of the House, without leave, unless from sickness or inability to attend.

36. Any member may excuse himself from serving on any committee at the time of his appointment, if he is a member of two standing committees.

37. If any member shall be necessarily absent on any temporary business of the House, when the vote is taken upon any question, on entering the House, he shall be permitted upon motion to vote.

38. No standing rule or order shall be rescinded, altered, or suspended, without one day's notice given of the motion thereof; and to sustain such motion, two thirds of the House shall be required.

Committees.

39. Six standing committees shall be appointed at the commencement of the session, viz: A committee on claims; a committee on propositions and grievances; a committee on education; a committee on agriculture; a committee on internal improvement, and a committee on privileges and elections. Each of said committees shall consist of thirteen members, one from each Congressional district, to be appointed by the members from the counties composing said district. In addition to the above standing committees, the Speaker shall appoint another, two members from each Judicial Circuit, to be denominated the committee on private bill.

40. A select standing committee consisting of nine members, shall be appointed at the commencement of the session by the Speaker, and be denominated "the committee on the Judiciary."

41. Select committees shall consist of five members. It shall be the duty of the person first named on any committee to cause the members of the committee to convene when necessary; and when so convened, they shall appoint some one of their number chairman.

42. In forming a committee of the whole House, the Speaker shall leave his chair, and a chairman to preside in committee shall be appointed by the Speaker.

43. Upon bills committed to a committee of the whole House, the bill shall be first read throughout by the clerk, and then again read and debated by sections, leaving the preamble to be last considered; the body of the bill shall not be defaced or interlined; but all amendments, noting the page and line, shall be duly entered by the clerk on a separate paper, as the same shall be agreed to by the committee, and so reported to the House. After report, the bill shall again be subject to be debated and amended by sections, before a question on its passage be taken.

44. All questions, whether in committee, or in the House, shall be propounded in the order in which they were moved; except that in filling up blanks, the largest sum and longest time shall be first put.

45. The rules of proceedings in the House shall be observed in a committee of the whole House, so far as they may be applicable, except the rule limiting the times of speaking.

46. In a committee of the whole House, a motion that the committee rise, shall always be in order, and shall be decided without debate.

Of Bills, Resolutions, &c.

47. Every bill shall be introduced by motion for leave or by order of the House on the report of a committee.

48. Every bill shall receive three several readings in the House previous to its passage; and the Speaker shall give notice at each, whether it be the first, second or third. The first reading of a bill shall be for information, and if opposition be made to it, the question shall be, "Shall this bill be rejected?" If no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without a question.

49. Upon the second reading of a bill, the Speaker shall state it as ready for commitment or amendment.

50. All bills shall be despatched in order as they were introduced, unless when the House shall direct otherwise; but no public bill shall be twice read on the same day, without the concurrence of two thirds of the members present.

51. All resolutions which may grant money out of the Treasury, shall be treated in all respects in a similar manner with public bills.

52. When a bill is introduced to repeal a public law, or any part thereof, the law, or part intended to be repealed, shall be read at each separate reading of the bill.

53. When a bill has been once rejected, no other upon the same subject shall be introduced again during the session.

54. The Clerk of the House shall be deemed to continue in office until another is appointed.

WILLIAM A. GRAHAM,
Speaker of the House of Commons.

By order
CHARLES MANLY, *Clerk.*

JOINT RULES FOR BOTH HOUSES.

1. Each House shall perfect and finally act on all bills, resolutions and orders, before the same shall be communicated to the other for its concurrence ; and if amended in the House to which it is transmitted, it shall be communicated to the House in which it originated, asking the concurrence of that House in the amendment.

2. In any case of amendment of a bill, resolution or order, agreed to in one House, and dissented to in the other, if either House shall request a conference, and appoint a committee for that purpose, and the other House shall also appoint a committee to confer, each committee shall consist of an equal number, and they shall meet and state to each other the reasons of their respective Houses, for and against the amendment, and confer freely thereon, and make a report in writing to their respective Houses, of the result of their conference.

3. Messages from one House to the other shall be sent by the clerk assistant of each House, unless otherwise ordered.

4. When a message shall be sent from one House to the other, it shall be announced at the door of the House to which it is sent by the door-keeper, and shall be respectfully delivered to the Chair, by the person by whom it may be sent.

5. After a bill shall have passed the House in which it originated, it shall be under the signature of the clerk, and engrossed under his direction and inspection, before it shall be communicated to the other House.

6. After a bill shall have passed both Houses, it shall be duly enrolled, on suitable paper, by the engrossing clerks, before it shall be presented for ratification.

7. When bills are enrolled, they shall be carefully examined by a joint committee of two from the Senate, and four from the House of

Commons, appointed at the meeting of the two Houses, each Monday morning as a committee for that purpose, for one week, whose duty it shall be carefully to compare the enrolment with the engrossed bills, as passed in the two Houses, and to correct any errors that may be discovered in the enrolled bills, and make their report of the said bills to the House.

8. After examination and report, each bill shall be ratified and signed in the respective Houses; first by the Speaker of the House of Commons, and then by the Speaker of the Senate.

9. All orders, resolutions and votes of the Houses shall be examined, engrossed and signed in the same manner as bills.

10. When a bill or resolution, which shall have passed in one House, is rejected in the other, notice thereof shall be given to the House in which the same may have passed.

11. The committee in each House shall, in all cases, make a statement of facts on which their report is founded; which statement, with all other papers on which any bill or resolution shall be formed, shall be transmitted to the other House.

12. The Committee of Finance shall be joint, consisting of eight members of each House. The Library Committee shall be a joint standing committee, consisting of three members from each House appointed by the Speakers thereof, respectively.

13. In all joint committees, the member first named on the committee, on the part of the House proposing to raise such committee, shall convene the same; and when met they shall choose their own Chairman.

14. Either House may make a reference to any joint committee, and all reports shall be made to the House ordering such reference.

15. Whenever either House shall order any paper or document to be printed, it shall be printed in octavo form, on good paper, and with fair type, and shall be distributed in the following manner: One copy thereof to each member of the General Assembly, one copy to the clerks of each House for the use thereof, and ten copies shall be deposited in the Public Library.

16. All elections requiring a joint vote shall be *viva voce*, and a select committee of two members in each House shall be appointed to superintend the same in their respective Houses. After the vote shall have been taken, said select committees shall confer together and report the result of such election to their respective Houses.

17. That the foregoing rules shall be permanent Joint Rules of the Legislature of North Carolina, until altered or amended.

No. 3.

LEGISLATURE OF NORTH CAROLINA:

RALEIGH, NOVEMBER, 1838.

REPORT

OF THE

PUBLIC TREASURER,

ON THE

STATE OF THE FINANCES

OF

North Carolina,

TRANSMITTED, ACCORDING TO ACT OF ASSEMBLY,

On the 22d November, 1838.

RALEIGH, N. C.

THOMAS LORING, PRINTER FOR THE LEGISLATURE.

1838.

TREASURY DEPARTMENT, }
November 22d, 1838 }

SIR:

I have the honor herewith to transmit to you, to be laid before the General Assembly, a Report, prepared in obedience to an Act of Assembly, entitled "An Act concerning the Treasurer of the State."

I have the honor to be,

With great respect, Sir,

Your obedient servant,

DANIEL W. COURTS.

THE HONORABLE THE SPEAKER

Of the House of Commons.

REPORT.

Treasury Department, }

November 22d, 1838.

To the Hon. the General Assembly of the State of N. Carolina :

In obedience to the directions of an act of the General Assembly, entitled "An act concerning the Treasurer of the State," the Public Treasurer respectfully submits the following Report.

I. Of the Public or unappropriated Revenue and expenditures.

The balance of cash in the Public Treasury on the 1st day of Nov. 1835 was \$ 46,856 30

The receipts of the ensuing fiscal year ending on the 31st day of October, 1836, amounted to 539,559 94

To which add the sum of 2,670 38

Being the amount drawn from the Internal Improvement Fund, to meet a part of the disbursements of that year, from the Public Fund, making an aggregate amount of 589,086 62

The disbursements during the same period, amounted to 589,086 62

The receipts at the Treasury Department for the two last fiscal years, that is from the 31st day of Oct. 1836 to the 1st Nov. 1838, amount to six hundred and fifty-seven thousand, five hundred and thirty-four dollars and sixty-four cents (\$657,534 64) and consist of the following items, viz :

Cash received from the Secretary of the Treasury of the United States, being part of the Surplus Revenue allotted to North Carolina, under the act of Congress of June 1836, to defray the civil and contingent expenses of the State, according to an act of the last Legislature.

100,000 00

Do. of the Surplus Revenue with which to redeem the scrip of the State, sold to the Secretary of the Treasury of the United States, for the benefit of the Cherokee Indians	300,000 00
Do. from Sheriffs for Public Tax of 1836, being the ordinary Revenue, payable into the Treasury in 1837, and not specifically appropriated	71,356 56
Do. from the same, on account of additional returns of taxes (see statement A)	336 49
Do. from the Bank of Cape Fear for dividend of 8 per cent. on 10 shares of stock unappropriated, declared Nov. 1836	80 00
Do. from D. L. Barringer, under a resolution of 1835, in favor of said Barringer and W. N. White	100 00
Do. from the Bank of the State of North Carolina, for dividend of 4 per cent. profit on 4058 shares of Stock, declared in Dec. 1836	16,232 00
Do. from Whitmel Stallings, being the amount overpaid by him as a member of the General Assembly of 1832, owing to a mistake in the Clerk's certificate	6 00
Do. from J. W. Bryan, being the amt. overdrawn by him as a member of the Legislature for 1836, owing to a mistake in the Clerk's certificate	3 00
Do. from the Bank of Cape Fear, for dividend of 2 per cent. profit on ten shares of stock	20,00
Do. from F. J. Haywood, being the amount of his two bonds given for the purchase of part of the bushy branch tract of land	424,87
Do. from Wm. H. Haywood, Jr. in discharge of a claim of the State of	

North Carolina against the State Bank of North Carolina	17,464,83
Do. from Wm. H. Haywood, Jr. agent for the adjustment of the claims of this State against the General Government, for the services of the militia of the State and money expended during the late war	30,000,00
Do. from the Merchants Bank of Newbern for the tax of 25 cents on each share of stock held by individuals in said Bank	562,50
Do. from the Bank of the State of North Carolina for the tax of 25 cents on each share of stock held by individuals in said Bank	2,250,00
Do. from the Bank of Cape Fear for the tax of 25 cents on each share of individual stock in said Bank	1,381,75
Do. from the State Bank of North Carolina as the final dividend of 6 per cent. of 2678 shares of capital stock owned by the State in said Bank	16,608,00
Do. from the Bank of Newbern as the final dividend of 10 and 1-5 per cent. of 1818 shares of capital stock in said Bank	18,543,60
Do. from the Bank of Cape Fear for dividend No. 57 of 7 per cent. profit on 10 shares of stock in said Bank unappropriated	70,00
Do. from Joshua Roberts, Treasurer of the Buncombe Turnpike Company	925,00
Do. from Bank of Cape Fear dividend of $4\frac{1}{2}$ per cent. on 10 shares of stock in said Bank	45,00
Do. from the Merchants Bank of Newbern as the tax of 25 cents on each share of stock held by individuals in said bank, payable in 1838	562,50
Do. from Sheriffs for public tax of 1837 being the ordinary revenue paya-	

ble in 1838 and not specifically appropriated	77,176,43	
Do. from the same on account of additional returns of taxes (see statement A.)	636,11	
Do. from the Bank of the State of North Carolina as the tax of 25 cents on each share of individual stock in said bank, payable in 1838	2,250,00	
Do. from the same as the purchase money for one-half of lot No. 192 in the city of Raleigh, belonging to the State	500,00	
Which form an aggregate amount of		\$657,534,64
The disbursements from the Public Fund for the same period, that is, from the 31st of October 1836 to the 1st day of November 1838, consist of the following items, viz:		
This sum repaid to the Fund for Internal Improvements; that amount of this Fund having been heretofore used for the purposes of the Public Fund		
	2,670,38	
Paid S. F. Patterson, Commissioner to purchase in the Scrip of the State, from the Secretary of the Treasury of the United States upon the warrant of the Governor	300,000,00	
" General Assembly	39,409,57	
" Treasury Notes burnt by Committee of Finance	1,552,91	
" Judiciary	52,875,08	
" Rebuilding Capitol	138,026,05	
" Public Printing	4,002,43	
" Contingencies	31,080,19	
" Executive Department,	4,675,00	
" Treasury "	4,000,00	
" Department of State	1,600,00	
" Comptroller's Department	2,000,00	
" Adjutant General's office	400,00	
" Governor's House and Lot	5,057,85	

" N. J. King one of the Commissioners for the survey of the Cherokee Lands	14,750,00	
" Interest on State Loan	11,500,00	
" Council of State	261,00	
" Sheriffs for comparing Senatorial Polls	206,68	
" Sheriffs for Convention Returns	43,16	
" " for Settling Public Tax	2,053,20	
" " for Governor's Election	862,37	
" " for Congressional "	520,49	
" " for Electoral "	1,281,51	
" Bogue Banks	55,85	
" Pensioners	773,75	
" Electors	410,60	
Making an aggregate amount of		620,068,07
Which deducted from the amount of receipts, leaves a balance in the hands of the Public Treasurer on the 1st day of Nov., 1838, of		37,466,57

For a more detailed exhibit of the items constituting the foregoing disbursements, the Comptroller's statement usually furnished for the use of the Members of the General Assembly, is respectfully referred to.

II. Of the Literary Fund.

The balance of cash in the hands of the Public Treasurer as Treasurer of the Literary Fund, on the 31st of October, 1836, as reported to the General Assembly of that year, was 3,845,09

The receipts at the Treasury Department, of money belonging to this Fund for the two last fiscal years, that is, from the 31st day of Oct. 1836, to the 1st day of Nov. 1838, amount to six hundred and seventy-nine thousand, one hundred and thirty-nine dollars and fifty-three cents, (679,139 53)

And consist of the following items, viz :

Cash received from sundry Auctioneers,	
for tax on sales at auction	1,754 05
" from the Roanoke Navigation	
" Company, for dividend of 2 per	
cent. on 500 shares of stock, appro-	
priated to this Fund	1,000 00
" from Bank of Cape Fear, for divi-	
dend of 8 per cent. profit on 704	
shares of stock, appropriated to this	
Fund, declared 21st Nov., 1836	5,632 00
" from the same, for dividend of 8	
per cent. on 50 shares of stock be-	
longing to this Fund	400 00
" for entries of vacant land	10,938 00
" from the Bank of the State of	
North Carolina, for dividend of 4	
per cent. on 1,941 shares of stock	
belonging to this Fund, declared	
Dec. 1836	7,768 00
" from the Bank of Cape Fear for	
dividend of 2 per cent. on 704	
shares of stock, appropriated to	
this Fund	1,408 00
" from the same for dividend of 2	
per cent. on 50 shares of stock,	
belonging to this Fund	100 00
" that part of the Surplus Revenue	
appropriated to this Fund by the	
last Legislature, for the subscrip-	
tion for stock in the Bank of Cape	
Fear, and for draining the Swamp	
Lands of the State	500,000 00
" this sum repaid by the Fund for	
Internal Improvements, that amount	
having been heretofore transferred	
from this to the Fund for Internal	
Improvement, to meet a claim up-	
on the latter Fund, from the Wil-	
mington and Raleigh Rail Road,	
upon a draft of the Governor	34,828 13

Cash as principal repaid on loans made by the President and Directors of the Literary Fund, to sundry individuals and Corporations, under an act of the last Legislature	14,818 00
" tax on retailers of spirituous liquors, for the year 1836, payable in 1837	2,885 80
" tax on Do. for 1837 payable in 1838	2,953 91
" from the Bank of the State of North Carolina, for dividend of one-fourth, of one per cent. on 5000 shares of stock. owned by this Board	1,250 00
" this sum from the President and Directors of the Literary Fund, as interest on loans made by them to sundry individuals and Corporations	14,858 69
" from the President and Directors of the Fund for Internal Improvements as interest on loans made by them, appropriated to the Literary Fund	18,114 75
" interest for advanced payment in the late subscription for stock in the Bank of Cape Fear	6,750 00
" from the State Bank of North Carolina, as the final dividend of 6 per cent. of 282 shares of capital stock, belonging to the Literary Fund	1,692 00
" from the Bank of Newbern, the final dividend of 10 and 1-5 per cent, of 141 shares of capital stock held by the President and Directors of the Literary Fund	1,438 20
" from the Bank of Cape Fear dividend No. 57 of 7 per cent. on 2,000 shares of stock belonging to this Fund	14,000 00
" George McNeil, Agent for the	2

Cape Fear Navigation Company, dividend of 1 per cent. on 650 shares of stock in said Company	650 00
" from the Bank of Cape Fear, divi- dend of $4\frac{1}{2}$ per cent. on 2,000 shares of stock	9,000 00
" Cape Fear Navigation Company dividend of 1 per cent. on 650 shares of stock	650 00
" from the Bank of the State of North Carolina, dividend No. 6 of 5 and $\frac{1}{4}$ per cent. on 5000 shares of stock belonging to this Fund	26,250 00

Making an aggregate amount of

679,139 53

Which added to the balance before sta-
ted, make the sum of

\$ 682,984 62

The disbursements from this Fund for
the two last fiscal years, are as
follows:

Cash paid for 3000 shares of stock in the Bank of Cape Fear	300,000 00
" refunded to John and Thomas Webb, being the amount overpaid by them on entries of vacant land	7 50
" transferred to Internal Improve- ment Fund, by direction of the President and Directors of the Lit- erary Fund	34,828 13
" paid sundry individuals and cor- porations, being amount loaned by the President and Directors of this Fund, under the act of the last General Assembly	292,627 00
" paid charges of the Board	1,370 24
" paid the Bank of Cape Fear for 207 shares of stock subscribed for by this Board	20,700 00
" paid for draining Mattamuskeet Lake	8,000 00
" paid Isaac Croom, for tax fees re-	

turned to this office by the Clerk of the County Court of Wayne under an act of the General Assembly of 1822

18 00

Cash for draining the Swamp Lands of the State

8,148 64

Making the sum of

655,699 61

Which deducted from the amount before stated, leaves a balance in the hands of the Public Treasurer as Treasurer of the Literary Fund, on the 1st Nov., 1838, of

27,285 11

III. Of the Fund for Internal Improvements.

The balance of cash in the hands of the Public Treasurer as Treasurer of the Fund for Internal Improvement on the 31st of Oct., 1836, as reported to the General Assembly of that year, was

34,747 51

The receipts at the Treasury Department on account of the Fund for Internal Improvements for the two last fiscal years, that is, from the 21st Oct, 1836 to the 1st Nov. 1838, are as follows:

Cash received from the Public Fund being the amount heretofore drawn from this Fund to meet charges upon the Public Fund

2,670 38

" received from the Bank of Cape Fear as dividend of 8 per cent. on 1358 shares of stock, dividend appropriated to this Fund

10,864 00

" from sundry persons on bonds given for the sale of Cherokee lands 1,534 42 of which was paid by the commissioners for the sale in 1836

8,124 39

" from N. Edmonson, Commissioner for the sale of Cherokee Lands in 1836, being one-eighth of the

purchase money	3,253 11	
" from the Bank of Cape Fear for dividend of 2 per cent. on 1358 shares of stock	2,716 00	
" being part of the Surplus Revenue	533,757 39	
" as principal repaid on loans made by the President and Directors of this Fund	251,000 00	
" from the Literary Fund to meet the demand of the Wilmington and Raleigh Rail Road Company by a warrant of the Governor	34,828 13	
" received from the Bank of Cape Fear as a premium on part of the Surplus Revenue deposited with said Bank	965 60	
" from the same for dividend No. 57 of 7 per cent. on 112 shares of stock, belonging to this Fund	784 00	
" from James W. Gwinn collected by him, on sundry bonds given for Cherokee Lands	11,295 00	
" Thomas L. Clingman collected by him as above	2,860 00	
" From the Bank of Cape Fear, dividend of $4\frac{1}{2}$ per cent. profit on 112 shares of stock.	504 00	
Making an aggregate amount of		863,621 00
Which added to the above balance makes the sum of		898,368 51

The disbursements from this fund for the same period are as follows :

Cash paid N. Edmonson, Commissioner for the Sale of Cherokee Lands	390 87
" Hybart and Strange for advertising Cherokee Lands	6 00
Humphrey Posey, per resolution of the General Assembly of 1837	150 00
" charges of the Board, Clerks &c.	791 25
" paid the Wilmington and Raleigh Rail Road Company, being the	

subscription for stock under an act of the last Legislature	300,000 00	
" paid this sum, loaned by the President and Directors of this Fund to sundry individuals and Corporations	549,450 00	
" this sum repaid to Literary Fund	34,828 13	
" paid John L. Smith, for the construction of a road, from Franklin in Macon county, to the Georgia Line	9,000 00	
Which together amount to the sum of		894,616 25
And deducted from the foregoing amount, leaves a balance in the hands of the Public Treasurer as Treasurer of the Fund for Internal Improvement, on the 1st day of Nov. 1838, of		3,752 26
All the disbursements made at the Treasury Department, during the two years, it is believed are sustained by proper vouches, which will be found on file in the Comptroller's office.		

RECAPITULATION.

The foregoing statements show a balance of cash on hand on the 31st of Oct. 1838 as follows, viz :

Amount as Public Treasurer	37,466 57
Ditto. as Treasurer of the Literary Fund	27,285 11
Do. as Treasurer of the Fund for Internal Improvements	3,752 26

Making an aggregate of 68,503 94

With which the Public Treasurer as such, and as Treasurer of the Literary and Internal Improvement Funds, stands charged on the Books of this Department; and for which, he is therefore accountable on the 1st day of Nov. 1838.

This amount is disposed of (as directed by law) in the following manner :

Deposited in the Bank of the State of North Carolina at Raleigh, and remaining at the credit of the Public Treasurer on the 31st Oct. 1838 40,070 28

Do. in the Bank of Cape Fear at Raleigh, on the same day	26,821 18
Worn Treasury Notes, silver change, &c. in the vault of the Treasury	1,612,48
	<hr/>
Making an aggregate amount of	68,503 94

It will be seen from the foregoing statement, that at the close of the fiscal year ending the 31st of October, 1836, the Public Fund was entirely exhausted, and had in fact, become debtor to the Fund for Internal Improvements, for the sum of two thousand, six hundred and seventy dollars and thirty-eight cents, (\$2,670 38) as was shown by the last report of the late Public Treasurer.

You will discover also, that, under the authority given me by the last Legislature, I appropriated to the purposes of the Public Fund, one hundred thousand dollars of the Surplus Revenue, received from the United States. I did not, however, exercise the further authority given me to borrow fifty thousand dollars from the Banks of the State to meet the disbursements from this Fund. But preferred using, as I did for that purpose, the money belonging to the Literary and Internal Improvement Funds, to paying interest on the amount it thus became necessary to use. The proper amounts were restored to these Funds respectively, when upon the coming in of the Revenue, the Public Fund was sufficiently replenished to do so.

As this is your first session, since the enactment of the present law, providing a new mode of assessing the lands in this State for taxation, I have with the view of showing the operation of the law, and that you may judge of the extent to which it has accomplished the purpose for which it was designed, annexed the accompanying table.

This Table exhibits the number of acres listed for taxation in each county, in 1836, which was the last year of the operation of the late law, the aggregate valuation, and the average value per acre, and also, the number of acres listed in each county in 1837, when the present law was in operation, the aggregate valuation, and the average value per acre, as well as the number of acres listed throughout the State, at each period.

A comparison of these two years as indicated by this table, will show, it is believed, with sufficient distinctness, what change the present law has effected.

It will thus be perceived, that the number of acres listed throughout the State in 1837, exceeds the number listed in 1836, by three millions five hundred and four thousand, two hundred and sixty-one acres.

And, that this great difference is owing more to the agency of the present law, than to the additional number of acres that was granted in the State from the first of April, 1836, to the first of April, 1837; which would have been the difference, had all the lands that were subject to tax in both those years been listed as the law required, is shown by the fact, that from a careful examination, it has been ascertained, that the number of acres granted between those periods, was only one hundred and twenty-one thousand and sixty five. And the aggregate valuation throughout the State in 1837, is found to exceed that of 1836, by eleven million, nine hundred and sixteen thousand, four hundred and seventy-eight dollars.

It may be proper to remark, that the tax on lands has decreased every year since 1820, the time at which the late law went into operation, until 1835, when there was an increase of a few hundred dollars over that of the preceding year; and again, in 1837, a similar increase over that of 1836. The amount received this year from this source, which is the first under the present law, shows an increase of about six thousand dollars.

But, as the great object of the act was to subject to a fair contribution for the support of Government, all the lands if possible, in the State, that was liable to tax, from an impression, that under the abuses growing out of the old system, a portion paid too small a tax, and much of it paid none whatever. It becomes important to ascertain how much land there was in the State, that was liable to a tax, at the time of listing the lands in 1837, and compare that quantity, with the number of acres actually listed and assessed in that year.—With that view the Table is made to exhibit all the lands that had been granted in each county in the State, down to the 1st of April, 1837.

In arriving at this, reference was had to a former report, made from this office by Mr. Mhoon, which showed the number of acres that had been granted in the State, as far down as the beginning of the year 1833. And combining with that, the number that has been found to have been granted from that period to the 1st of April 1837. The result shows, that the quantity listed in the latter year, is less than it should have been by more than fifteen millions of acres. And valuing all the lands in the State, at the same rate at which they were valued, under the act of Congress in 1815, which may be regarded as a fair standard. The valuation of 1837, falls below what it should have been by more than five millions of dollars, and the nett revenue, from this source should have been increased by about three thousand dollars. In this table no reference is made to the additional returns of tax, from

the difficulty of obtaining correct data, particularly as to the number of acres on which they are based; it is apparent however that they would vary these results but very little.

It appears also, that while more than a million and a half of acres have been granted since 1815, that the valuation now, is less than that of 1815, by nearly two and a half millions of dollars, according to the assessment of 1837.

In order to ascertain whether all the counties had taken the necessary steps to carry out the provisions of this act, a circular letter was addressed to the Clerks of the several County Courts from this office, upon the subject. Answers from nearly all of them have been received; from which it appears, that the counties of Chowan, Duplin, Columbus, Bertie, Craven, Onslow, and Sampson, did not execute the law in 1837, in consequence of the acts of the last Legislature not reaching them in time to do so. The most of these however, assessed their lands in 1838, according to the provisions of this act.

Having thus presented the subject in such of its bearings as seemed obviously to fall within the province of this Department, it may not be improper upon dismissing it to remark, that the most general objection urged against the law by the community, appears to be, the want of uniformity of valuation under it, not only in the same county but very frequently in the same neighborhood. Which results from the fact, that the assessors appointed for each tax district, act at every stage of their proceedings, without any concert with those appointed for the other districts in the same county.

It is therefore respectfully suggested, that the inequality necessarily growing out of this state of things, should be corrected by some tribunal established by law for that purpose.

In pursuance of the act of the last Legislature, providing for the redemption of the scrip issued by the State, I transferred on the 1st day of February, 1837, to the Trustees of the University of North Carolina, one thousand shares of stock belonging to the State, in the Bank of the State of North Carolina, and took up the scrip of the State, for one hundred thousand dollars. Subsequent to the transfer, a question arose, whether this Stock, having ceased to be the property of the State, was not like all other stock held by individuals in the Banks of this State, subject to an annual tax of 25 cents on each share; or whether it was not the wish of the Legislature, that it should be exempted from tax; as by an act of 1789, all the property of the University was exempted from taxation, to say nothing of the constitutional injunction upon the Legislature, to foster such an institution—and consequently, of the seemingly idle ceremony of the State, giving to it in one breath, and ta-

king back in the shape of taxes, in the next. As the question seemed to address itself more properly to the Legislature, it was deemed best to bring it at once before you. In the mean time, the Trustees have executed their obligation to the Public Treasurer, to pay the tax, should the Legislature indicate a preference for that course. The other State Scrip which had been sold to the Secretary of the Treasury of the United States, for the benefit of the Cherokee Indians, amounting to three hundred thousand dollars, has been redeemed, by the payment of the principal, and interest of 5 per cent. from the 1st of August 1836 to the 6th of March 1837, inclusive. This Scrip as well as that redeemed from the University, is deposited in this office.

I have received from the Secretary of the Treasury of the United States, the three first Instalments of the Surplus Revenue, allotted to North Carolina, under the act of Congress of June 1836, amounting together, to the sum of Fourteen hundred and thirty three thousand, seven hundred and fifty seven dollars, and thirty-nine cents, (1,433,757 39.) The disposition of which, in accordance with the directions of the last General Assembly, is shown by the tabular statement.

Such of the bonds given for Cherokee Lands, as were required to be put in suit, have been placed in the hands of Attorneys for that purpose. And notwithstanding some embarrassment was experienced upon the general suspension of the Banks, as to the proper course to be pursued, growing out of the implied restriction of the resolution of the last Legislature upon this office, as to the receipt of the notes of non-specie paying Banks out of the State, as the circulation of that section of the State, consisted almost entirely, at that time, of the paper currency of South Carolina and Georgia; yet, a considerable sum has been collected in funds, that have been so managed as to be rendered available at this office. And it is believed, that with a few exceptions, the whole of this description of bonds, will be collected during the ensuing winter and spring.

The amount was received in gross sums; from one of the two gentlemen charged with the collection of these bonds, without having with him at the time, the means of distinguishing the precise amount received from each debtor. This evidence will be furnished in a few days, when a detailed statement of the whole, showing the sum received from each individual, will be immediately presented to the Legislature.

The act of 1784, regulating the payment of pensions out of the Treasury of the State, requires every year, a certificate of the Court of the County in which the applicant resides, to the General Assembly; of his continued inability &c. to procure a subsistence, and that that certificate shall be countersigned by the Speakers of the two Houses, to make it a

sufficient authority for the payment of the money. From the construction that has been placed upon this act, some amendment is believed to be necessary, now that the system has been changed from annual to biennial sessions of the Legislature, in order fully to carry out the humane purposes for which the act was passed.

Upon the opening of the books of subscription for an increase of the capital stock in the Bank of Cape Fear in the month of April, 1837, I subscribed, under the act of the last Legislature, entitled "An Act concerning the Bank of Cape Fear," for three thousand shares of stock, in behalf of the Literary Fund; paying therefor, three hundred thousand dollars, and in April last received from the Bank, the sum of six thousand, seven hundred and fifty dollars, as interest on the advanced payment.

In the month of October, 1837, Dr. J. F. E. Hardy, who had been for some time the State Director in the Buncombe Turnpike Company, resigned that appointment. And under the provision of the charter of the Company, giving the authority to the Public Treasurer to fill such vacancies, I issued a commission to James W. Patton of Buncombe, who had been highly recommended, as a suitable agent to represent the interests of the State.

Since the last report from this office, one half of lot 192, as designated in the plan of the city of Raleigh, belonging to the State, has been sold to the Bank of the State, for five hundred dollars, as shown by the tabular statement. And lots No. 188 & 189, had been sold by my predecessor, to George Little, for the sum of seven hundred dollars, for which, he executed three bonds now on file in this office, for \$233 33 $\frac{1}{3}$ each, with security, bearing date the 17th of January, 1837, payable on the 17th of January, 1838-39 and 40 respectively. I have received also from N. Edmonson, Commissioner for the sale of Cherokee lands in 1836, a bond for \$3 12 $\frac{1}{2}$, accidentally omitted in his settlement.

Much credit is again due the Sheriffs, for the punctuality with which they have accounted for the public tax of the two last years.

Copies of such Bank exhibits, as have been received at this office, since the last session, are hereto annexed, and such others as may be received during the session, will be immediately presented.

The accompanying statements marked from A. to J. inclusive, give such information on the subjects to which they relate, as the books of this Department furnish, and contain, it is believed, all that the act regulating the Treasury Department requires.

All which is respectfully submitted,

DANIEL W. COURTS, *Public Treasurer.*

A.

Statement of Cash received in the Treasury, from the 31st day of October, 1836,
to the 1st day of November, 1838, in additional returns of Taxes.

SHERIFFS.	COUNTIES	WHEN DUE	AMOUNT PAID
Willie Jones	Warren	1835	\$ 3 38
Thomas L. Lea	Caswell	1834-5 & 6	100 93
Neill McAlpin	Rebeson	" " "	50 91
John Harman	Chatham	1835	40 10
S. M. Smithwick	Martin	"	24 09
Thomas Wilson	Yancy	1835-6	17 36
George Philips	Ashe	"	6 43
James Wood (late)	Northampton	1830-1-2-3-4 & 5	52 24
Thomas Ward	Lincoln	1835	23 81
William Carson	Rutherford	"	43 70
William D. Petway	Edgecombe	1834 & 5	29 54
William D. Rascoe	Chowan	1835 & 6	7 68
John McLean (late)	Cumberland	"	2 31
S. W. W. Vick	Nash	"	12 28
Young H. Allen	Montgomery	1836	18 54
Eben. Hearne	"	"	34 72
James W. Doak	Guilford	"	5 60
Samuel Tury	Richmond	"	32 83
Salathiel Stone	Stokes	1235 & 1836	10 88
Robert B. Davis	Washington	" "	7 35
William Wilkins	Rutherford	" "	26 79
James Quin	Lincoln	" "	16 14
John M. Smith	Davidson	" "	17 34
Edward J. Peebles	Northampton	" "	111 56
Joshua A. Pool	Pasquotank	" "	16 00
William Merry (late)	Camden	" "	58 74
John Freeman	Bertie	" "	58 77
Leslie Gilliam	Granville	1834-5 & 6	19 91
Geo. W. Melvin	Bladen	1836	21 77
Alex'r. Johnson	Cumberland	"	18 24
James C. Turrentine	Orange	"	20 33
William Hankins	Brunswick	"	30 60
Edward K. Jiggitts	Hertford	"	25 31
Henry S. Spence	Hyde	"	6 45
			<u>\$ 972 60</u>

B.

Statement of Cash received in the Treasury on the Bonds due on account of
of Sales of Cherokee Lands, from the 31st day of October, 1836, to the 1st
November, 1838, exclusive of the amount received from Messrs. Clingman
and Gwinn, as Attorneys; belonging to the Board of Internal Improve-
ment.

DATE.	FROM WHOM RECEIVED.		BONDS PAID.	AMOUNT.
Dec. 1	John Gribble,	in part.	4th Instalment.	71 00
10	William Cathey,	"	3rd	100 00
12	Thomas Shepherd,	in full.	1 2 3 & 4	10 61
	" "		"	10 21
	" "		"	10 21
	" "		"	10 14
	" "		"	10 14
	" "		"	10 14
	" "		"	10 14
	" "		"	10 14
	" "		"	21 28
	Elijah Shepherd,		"	11 14
	" "		"	10 14
	" "		"	10 14
	" "		"	10 14
	" "		"	11 19
	Jacob Mason,		"	14 75
	Charles Stiles,		"	16 20
	Thomas Monteath,		"	10 19
	Nathan Pelkinton,		"	12 61
	Wm. R. Buchanan,		"	16 52
	Joseph Buchanan,		"	20 28
	" "		"	10 14
	Dempsey Raby,		"	10 23
	" "		"	11 75
	James Buchanan, Jr.		"	14 02
	Abraham Wiggins, Jr.		"	10 14
	John Wilson,		"	12 96
	Wm. Cockerham,		"	10 14
	" "		"	11 73
	Daniel West,		"	27 34
	Thomas West,		"	10 14
	Wm. West,		"	10 94
	Moses Hall,		"	12 06
	" "		"	10 14
	Wm. Morrison,		"	15 21
	" "		"	10 60
	Thomas Ammons,		"	11 81
	" "		"	11 75
	Nimrod S. Jarrett,		"	16 63
	" "		"	16 17
	Polly Davis,		"	13 98
	Samuel Bryson,		"	11 14
	Benj. Trammel,		"	14 56
	Wm. Kinsey,		"	10 14
	Henderson Sandey,		"	10 14
	Samuel Lovingood,		"	17 00
	" "		"	10 14
	Nathaniel Carroll,		"	10 14
	Amos Ledford,		"	12 66
	Michael Waters,		"	11 14
	Wm. Barnes,		"	19 96

STATEMENT B.—CONTINUED.

Dec, 12		in full.	12 3 & 4 Inst.	
	Wm. Barnes,			17 39
	Jesse Burrell,			14 18
	James Fouts,			31 00
	" "			10 14
	David Johnson,			10 99
	Jacob Shope,			19 98
	Travis Elmore,			13 79
	" "			10 14
	John Corbin,			11 14
	" "			10 14
	Matthew Davis,			24 51
	James Russell,			28 57
	George Penland,			13 98
	George T. Ledford,			10 14
	Samuel T. Jannison,			16 14
	" "			12 24
	" "			16 29
	" "			11 11
	Ezekiel Dowdle,			16 20
	Wm. Roan,			23 49
	David McConnell,			10 14
	Ephraem Ammons,			18 54
	" "			12 27
	" "			10 19
	" "			12 39
	" "			10 14
	" "			12 18
	" "			32 90
	Silas McDowell & }			
	E. Ammons,			15 18
	Thomas Welch,			46 00
	" "			14 18
	" "			10 43
	Benj. S. Brittain & }			
	John Hall,			14 59
	" "			25 92
	" "			21 43
	" "			14 93
	" "			32 48
	" "			12 81
	Robert Ensly,			4 29
	" "			31 55
	" "			30 41
	Eli Ritchie,			40 96
	Thomas Gribble,			89 70
	Samuel Harrison,	in part.	4th	16 00
	John Tatham,	"	3d	25 00
	James Connelly,		4th	15 00
	Hugh Gibbs,		4th	10 00
	John Hooper,		4th	12 00
	Abraham Picklesimer	"	4th	12 12
	John Hyde,	in full.	2d	43 54
	" "	in part.	3d	18 46
	Joseph Young,	in full.	1st	53 55
	" "	in part.	2d	36 45
	John Hyde,	"	2d	250 00
	Alexander Cresp,	in full.	2d	20 79
	" "	in part.	3d	9 21
	David Rogers,	"	4th	133 00
	John Murray,	"	3d	25 00
	Wm. Parker, Sen.	in full.	2d	27 27
	" "		3d	26 29
	" "		4th	25 31

STATEMENT B.—CONTINUED.

Dec. 12	Benjamin S. Brittain,	in full.	1 2 3 & 4 Inst.	\$ 37 00
	" "		"	23 18
	William Rogers,		"	15 18
	John Gibbs,		"	15 18
	" "		"	10 14
	Jacob Siler,		"	26 81
	Jessee D. Siler,		"	10 14
	" "		"	10 14
	" "		"	10 14
	" "		"	13 18
	" "		"	14 18
	" "		"	10 14
	" "		"	10 14
	Joseph Davis,		"	13 19
	James Ledford,		"	10 14
16	Samuel Kelly		"	14 93
	Benjamin S. Brittain,		3d	54 48
	" "		4th	151 89
16	Elijah Johnson,		2d	35 98
	" "	in part.	3d	29 02
	Charles McLean		3d	19 00
	George Dickey,	in full.	4th	50 79
	" "		1st	2 18
	" "	in part.	2d	7 03
19	S. Enlow for }		"	60 00
	A. Enlow }		2d	9 88
	Henry Wilson,	in full.	4th	50 00
	James Hooper,	in part.	2d	41 45
	Samuel Gipson,	in full.	3d	33 55
	" "	in part.	4th	50 00
	Joseph Buchanan,		3d	45 00
	Jacob Siler,		2d	20 91
	Robert Fox,	in full.	2d	7 84
	" "	in part.	3d	37 00
	Adam Corn & }		"	10 00
	Jacob Trammel, }		2d	5 50
	Isaac Ashe for }		"	50 00
	John Stiles, }		3d	30 00
	Robert Philips,		4th	11 74
	William A. Brittain,		"	3 26
	John Ledford for }		"	11 49
22	John Stevenson, }		3d	8 11
	John Battle,	in full.	2d	60 40
	" "	in part.	3d	15 00
	Thomas Love, Jr.	in full.	1st	21 89
	" "	in full.	1st	16 23
	" "	in part.	2d	65 00
	William Roger,		3d	43 12
	Richard Wilson,	in full.	2d	41 62
	" "	in part.	3d	40 12
	A. Corn & J. Trummel }		"	62 67
	by John Bryson, Sen. }		3d	25 00
	Joseph Shepherd,	in full.	2d	59 28
	" "		3d	5 72
	" "		4th	143 53
	John Gribble,		4th	6 47
	William Cathey,	in part.	1st	21 90
	John Bell,	in full.	4th	131 75
	" "	in part.	4th	50 00
	John Stephenson,			
	" "	in part.		
	Enos Shields,			
	William A. Brittain,	in full.		
	Samuel Smith,	in part.		

1837

Jan. 5

STATEMENT B.—CONTINUED.

Jan. 5	Andrew Welch	in full	1st Instalment	49 56
	" "	in part	2d	87 44
	Samuel Broadway	in full	2d	4 30
	" "		3d	13 62
	" "	in part	3d	12 08
	Austin Barrister		3d	18 00
9	Aaron Pinson		4th	35 00
	Jonathin Phillips		2d	90 00
15	J. R. Siler, Assignee	in full	"	10 00
	Henry Drayman	in part	2d	32 00
	John Howard		2d	95 00
	Nathan Thompson	in full	1st	112 16
	" "	in part	2d	57 84
	Andrew Welch		4th	200 00
	Abraham Enloe		3d	15 00
	Robert Kaler, bond 1836	in full	1 2 3 & 4	10 55
	" "		"	18 42
	Mark Coleman	in part	2d	200 00
	Washington Crawford		3d	50 00
	Abraham Wiggins		3d	15 00
	John Dobson	in full	3th	38 01
	" "	in part	4th	71 99
	" "	in full	4th	16 39
	William Parker		4th	70 00
1838	John Broadway		"	80 30
March, 1	" "		2d	132 25
	" "		3d	147 33
	Robert Phillips		4th	17 66
	William A. Brittain	in part	4th	100 00
	Joab L. Moore		3d	20 00
	John Murray		3d	10 00
	Jeremiah Harrison		4th	16 00
	John Bell		4th	65 00
	John Dobson		3d	100 00
	Hugh Gibbs		3d	10 09
	John Hyde	in full	"	73 70
	" "	in part	4th	150 00
	James Cormelly		1st	15 00
	Alexander Crisp		4th	24 30
	Jonathan Coward	in full	4th	129 51
	John Hyde	in part	4th	100 00
	Samuel Bryson		1st	22 00
	Eli Collins	in full	1st	1 59
	Michael Waters		1st	2 16
	Samuel Smith,		"	9 95
	" "		"	2 45
	Jacob Shope		"	51 75
	Saul Smith		"	1 84
	John Siler		"	11 90
	James Bradley		"	2 87
	Washington Angel		"	4 01
	Frederick Raby		"	31 99
	" "		"	16 94
	Zachariah Peak		"	3 47
	Ephraim Ammons		"	5 03
	Jonathan M. Bryson		"	5 10
	M. Wikle		"	14 02
	Cornelius Cooper		"	1 78
	" "		"	2 67
	John Conly		"	1 59
	Ephraim Ammons		"	3 60
	James James		"	2 80

STATEMENT B.—CONTINUED.

March 1	James Robinson	in part	1st Instalment	9 11
	James Conly		"	1 81
	John Conly		"	2 06
	James Angel		"	7 87
	" "		"	15 40
	Washington Angel		"	3 89
	Philip Guier		"	9 10
	Samuel Bryson		"	1 84
	" "		"	2 61
	Samuel Lovingood		"	4 88
	Philip Gueir		"	57 51
	James Angel		"	11 72
	James Truit	in full	"	1 65
	Cornelius Brown	in part	"	8 75
	William Siler	tn full	"	6 39
	John Gillespie		"	1 62
	John Sutton		"	1 62
	Joseph Stillwell		"	1 68
	James Truit		1 2 3 & 4	8 85
	Samuel Lovingood		"	26 11
1838 Sept.	William Siler		"	33 81
	John Gillespie		"	8 51
	John Sutton		"	8 71
	George Wikle		"	27 71
	Jacob Deets		"	14 64
	Miles Ashe		"	10 94
	Elizabeth Stiles		"	2 81
	Adam Corn		"	1 56
	Levi Vandike		"	6 41
	James Addington		"	7 03
	Hannah Fortenbury		"	3 06
	Samuel Runnels		"	3 18
	John Palmer		"	2 34
	James Rogers		"	1 56
	Hugh Rogers		"	2 75
	James Fouts		"	3 12
	David Rogers	in full	N. B. \$510-12	16 35
	Thomas Love	in part	Inst.	45 00
	" "		4	45 00
	Robert Fox	in full	3	12 10
	William Mason	in part	4	12 00
	Samuel Broadway	in full	3	22 20
	" "	in part	4	7 80
	J. L. Dilliard and } others }		1	621 00
				<u>\$ 8124 39</u>

C.

Statement of Treasury Notes issued and reported to the Comptroller, and put in circulation, according to the Acts of Assembly of 1814, 1816 and 1823.

Amount issued under the Act of	1814	\$ 82,000 00
do do	1816	80,000 00
do do	1823	100,000 00
		<hr/>
		\$ 262,000 00
Amount redeemed and burnt by the Committee of Finance as per Comptroller's Reports.		211,297 05
		<hr/>
		50,702 95
Deduct amount in hand in the vault of the Treasury		1,290 67
		<hr/>
Showing balance unredeemed of		\$ 49,412 28
		<hr/>

D.

Statement of the number of Shares of Bank Stock owned by the State of North Carolina, and by the President and Directors of the Literary Fund.

Shares of Stock in the Bank of the State, owned by the President and Directors of the Literary Fund		5000
Shares of Stock in the Bank of Cape Fear, owned by the President and Directors of the Literary Fund	5207	
Shares of Stock in the Bank of Cape Fear, owned by the State of North Carolina	10	
Shares of Stock in the Bank of Cape Fear, owned by the State, and dividends appropriated to Fund for Internal Improvement	112	5329
Aggregate number of shares		10329

E.

Statement of the nett amount of the different branches of Revenue for the years 1836 and 1837.

BRANCHES OF REVENUE.		AMOUNT.	AGGREGATE.
1836			
	Tax on Land	23,413 83	
	“ on Town property	1,649 40	
	“ on Polls	27,433 66	
	“ on Stud Horses	1,668 97	
	“ on Stores	11,347 64	
	“ on Gates	122 20	
	“ on Pedlars	3,138 66	
	“ on Taverns	2,885 80	
	“ on Artificial Curiosities	1,551 00	
	“ on Natural Curiosities	296 10	
	“ on Billiard Tables	940 00	
	“ on Brokers	47 00	
	“ on Negro Traders	84 60	
			74,578 85
1837			
	Tax on Land	29,323 04	
	“ on Town property	2,163 68	
	“ on Poll	28,757 48	
	“ on Stud Horses	2,279 52	
	“ on Gates	220 90	
	“ on Stores	9,581 14	
	“ on Taverns	2,953 91	
	“ on Pedlars	2,882 98	
	“ on Artificial Curiosities	1,720 20	
	“ on Natural Curiosities	366 60	
	“ on Billiard Tables	470 00	
	“ on Brokers	47 00	
			80,766 45
			<u>\$155,345 30</u>

F

Statement of the Insolvents allowed by the Comptroller to the Sheriffs in their settlement of the taxes of 1836 and 1837.

SHERIFFS.	COUNTIES.	No. OF POLLS.	AMOUNT.
George Philips	Ashe	109	\$21 80
Willie Jones	Buncombe	53	10 60
John Harman	Chatham	99	19 80
John B. Dawson	Craven	104	20 80
Wm. D. Rascoe	Chowan	29	5 80
Isaac Baxter	Currituck	18	3 60
Alexander Johnson	Cumberland	77	15 40
John M. Smith	Davidson	63	12 60
Thomas Foster	Davie	40	8 00
Wm. D. Petway	Edgecombe	73	14 60
Guston Perry	Franklin	36	7 20
John W. Taylor	Greene	42	8 40
James W. Doak	Guilford	84	16 80
James Simmons	Halifax	127	25 40
Edward K. Jiggetts	Hertford	56	11 20
Joseph M. Bogle	Iredell	99	19 80
A. S. Ballenger	Johnson	105	21 00
Risden McDaniel	Jones	8	1 60
James Quin	Lincoln	38	7 60
E. McIntosh	Moore	13	2 60
James Truit	Macon	23	4 60
E. I. Peebles	Northampton	25	5 00
Peter Harrel	Onslow	7	1 40
Nathan Bagley	Perquimons	86	17 20
Benjamin M. Selby	Pitt	33	6 60
Joshua A. Pool	Pasquotank	30	6 00
William Wilkins	Rutherford	162	32 40
Murton Roberts	Rockingham	46	9 60
John H. Hardie	Rowan	76	15 20
Samuel Terry	Richmond	21	4 20
Curtis Thompson	Sampson	56	11 20
Salathiel Stone	Stokes	177	35 40
H. G. Hampton	Surry	99	19 80
Robert B. Davis	Washington	46	9 20
John J. Bryant	Wilkes	34	6 80
William G. Jones	Warren	45	9 00
William Thompson	Wayne	45	9 00
Paschal Burt	Wake	72	14 20
Thomas Wilson	Yancey	52	10 40
	1836		\$481 80
Young H. Allen	Anson	138	27 60
Allen Grist	Beaufort	36	7 20
John Freeman	Bertie	33	6 60
John A. Pearson	Burke	20	4 00
Isaac Baxter	Currituck	26	5 20

STATEMENT F.—CONTINUED.

Alexander Johnson	Cumberland	65	\$ 13 00
Absalom Fulford	Carteret	90	18 00
Thomas L. Lea	Caswell	5	1 00
John Harman	Chatham	150	30 00
John B. Dawson	Craven	86	17 20
William D. Rascoe	Chowan	28	5 60
John M. Smith	Davidson	102	20 40
Wm. D. Petway	Edgecombe	8	1 60
Gusten Perry	Franklin	43	8 60
James W. Doak	Guilford	125	25 00
John W. Taylor	Green	6	1 20
James Simmons	Halifax	105	21 00
Edward K. Jiggetts	Hertford	44	8 80
Allen. S. Ballenger	Johnson	86	17 20
James Quin	Lincoln	39	7 80
Eben. Hearne	Montgomery	60	12 00
E. J. Peebles	Northampton	59	11 88
Benjamin M. Selby	Pitt	66	13 20
Nathan Bagley	Perquimons	62	12 40
Joshua R. Pool	Pasquotank	19	3 80
Martin Roberts	Rockingham	54	10 80
Samuel Terry	Richmond	37	7 40
William Wilkin	Rutherford	76	15 20
Salathiel Stone	Stokes	16	3 20
Henry G. Hampton	Surry	89	17 80
Curtis Thompson	Sampson	71	14 20
John J. Bryan	Wilkes	79	15 80
William M. Jones	Warren	69	13 80
William Thompson	Wayne	53	10 60
Paschal B. Burt	Wake	80	16 00
Robert B. Davis	Washington	39	7 80
Thomas Wilson	Yancy	54	10 80
			<hr/> \$ 443 60

STATE OF THE MERCHANTS BANK OF NEWBERN ON THURSDAY THE 30th NOVEMBER, 1837.

Specie	\$ 21,877 05		Capital Stock 2250 Shares	\$ 225,000 00
Notes of the Bank of the U. States	8,050 00		Notes in circulation	119,065 00
" of Virginia, Maryland and S. Carolina	1,202 00		Deposites	43,860 60
" Bank of Cape Fear	2,959 00		Bank of Cape Fear	6,692 56
Check of Bank State of N. Carolin	3,914 58	38,002 63	Board of Internal Improvement	25,000 00
			Bank of Newbern	69,473 88
Bank of the State of North Carolina	550 79		Dividends No. 1 2 & 3 unpaid	309 00
Bank of Cape Fear, Fayetteville	727 13		General Profit and Loss	14,474 40
" " Washington	7,529 43			\$ 503,875 44
Fulton Bank New York	11,580 52			
Bank of the United States	14,305 20			
Merchants Bank, Baltimore	2,010 74			
Farmers and Mechanics Bank, Philadelphia	66,258 14			
		102,961 95		
Bills of Exchange		56,531 46		
Bills Receivable		300,045 06		
Real Estate		6,334 34		
		\$ 503,875 44		
Of the above amount of Bills receivable	300,045 06			
There is due from Stockholders not Directors	85,236 00			
And due from Directors	16,808 00			
	\$ 102,044 00			

Merchants Bank of Newbern
December 8th, 1837.

D. W. Courts, Esq.
Public Treasurer,

SIR: The above statement of the condition of
this Bank, is herewith transmitted to you for the General
Assembly agreeably to its charter.
Signed, JOHN SNEAD, *President*.

STATE OF THE BANK OF CAPE FEAR ON THE EVENING OF THURSDAY 1st NOVEMBER, 1838.

Capital Stock	\$ 800,000 00	Specie	200,900 00
Increased Capital	575,750 00	Deposites in Foreign Banks	337,343 00
Notes in Circulation	885,013 00	Deposites of other Banks on hand	74,228 00
Deposites	215,801 00	Due by Banks in North Carolina	47,658 00
Dividends Unpaid	1,864 00	Real Estate	85,921 00
Due to Banks	22,611 00	Debt	1,827,164 00
Profit and Loss	72,175 00		
	<u>\$ 2,573,214 00</u>		<u>\$ 2,573,214 00</u>

Signed JOHN HILL, Cashier.

100

THE UNIVERSITY OF CHICAGO
LIBRARY

STATE OF THE BANK OF THE STATE OF NORTH CAROLINA, NOVEMBER 25, 1837.

Bills and Notes discounted	\$2,545,504 74		Capital Stock	1,500,000 00
Bills of Exchange	418,545 33		General Profit and Loss	247,625 33
Real Estate		2,964,050 07	Treasurer of the United States	9,718 61
Pension office		35,311 13	" for Post office Dept.	3,912 76
		197 72	PENSION OFFICE.	
DUE FROM BANKS &c.			Invalid Pensions	12,693 67
Due Brenda McKinna & Wright			Revolutionary Pensions	4,868 69
August 1st, no.	14,573 83		Pensions under act 1825	363 02
" Merchants Bank, Baltimore	1,943 89		" " 1832	16,854 47
" Bank of Metropolis Washing-			" " 1836	831 29
ton City	863 10			35,611 14
" Fulton Bank, New York	4,506 20		Public Treasurer of N. Carolina	12,051 98
" Bank U. States, Philadelphia	28,641 96		Board of Internal Improvement	275,000 00
" Planters and Mechanics Bank			DUE TO BANKS.	
Charleston, S. C.	31,255 25		" to State Banks of N. Caroli	93,905 69
" Cha's. Edmouson Agt. do	11,594 40		" Bank of Newbern	81 57
" Bank of Cape Fear, Washing-			" Farmers Bank Va. Petersbu	52,662 81
ton, N. C.	117 67		" Bank of " " "	55,423 05
" Bank of Virginia, Norfolk	5,711 84		" Merchants Bank, Philadelph	209 33
" Farmers Bank, do	4,808 31		" " " Newbern	550 79
" Merchants Bank, Boston	6,326 68		" Bank U. S. Fayetteville agenc	2,004 76
" Merchants Bank, New York	47,530 31		" Merchants Bank New York	873 36
" Bank of the State of Alabama,			" Bank Cape Fear, Wilmington	27,025 19
Mobile	6,808 43		" " " Fayetteville	42,715 29
		164,681 87	" " " Salisbury	976 00
NOTES OF OTHER BANKS			" " " Hillsboro'	711 42
" Bank United States	1,170 00		NOTES IN CIRCULATION.	
" Virginia Banks	6,161 00		" issued at Raleigh	372,750 00
" North Carolina Banks	20,107 00		" " Newbern	132,920 00
		27,438 00	" " Tarborough	158,845 00
SPECIE.			" " Fayetteville	236,785 00
Silver	372,520 00		" " Wilmington	153,830 00
Gold	130,835 87		" " Elizabeth City	64,925 00
Cents	211 23			1,120,055 00
		503,557 22	Dividends unpaid	287 75
Bills and Checks in transitu		23,757 54	Individual Deposits	237,591 78
Due by Directory	64,141 50			237,879 00
" on Stockholders not Directory				\$3,718,993 55
		\$3,718,993 55		

C. DEWEY, Cashier.

STATE OF NEW YORK

IN SENATE
January 10, 1891.

REPORT
OF THE

COMMISSIONERS OF THE LAND OFFICE

IN RESPONSE TO A RESOLUTION PASSED BY THE SENATE

APRIL 18, 1890.

ALBANY:

WILLIAM H. SAWYER, PRINTING OFFICE.

1891.

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WILLIAM H. SAWYER, PRINTING OFFICE.

ASSESSMENT TABLE.

Counties.	ASSESSMENT Under Act of Congress 1815.			ASSESSMENT For State Tax 1836.			ASSESSMENT For State Tax 1837.			No. of acres patented from 1815, to 1st April, 1837.	Aggregate val- uation of lands in 1815 added to that granted since valued at same rate.	Land Tax Corrected accord- ing to foregoing statements.
	No. of acres.	Aggregate valuation.	Valua- tion per acre.	No. of acres.	Aggregate valuation.	Valua- tion per acre.	No. of acres.	Aggregate valuation.	Valua- tion per acre.			
Anson	303962	509,548	1 40	324894	512,744	1 57	450947	1,131,439	2 50	83383	626,284	353 23
Ashe	211321	211,321	1 00	256219	264,860	1 03	353771	478,598	1 35	105663	316,989	178 78
Brunswick	441187	546,189	1 17	not st'd	160,057		143889	365,942	1 32	22631	542,666	306 07
Buncombe	506573	669,069	1 32	920 01	404,479	1 83	559034	1,130,654	2 01	124465	833,361	470 02
Burke	627225	840,481	1 34	429773	907,478	1 31	594391	1,283,536	2 09	133536	1,019,445	574 97
Beaufort	332303	810,819	2 44	409598	466,573	1 13	442705	636,910	1 43	24583	97,236	548 00
Bladen	439092	554,276	1 26	358339	395,356	1 10	479649	1,015,500	1 03	61106	633,789	357 46
Bertie	347967	1,350,096	3 88	191837	1,018,803	5 16	300703	427,286	5 22	52348	1,367,443	771 24
Craven	469273	1,787,931	3 81	439113	425,476	0 98	431613	238,045	1 52	6913	1,987,376	1,130 89
Carteret	158490	385,131	2 43	141250	233,001	1 64	156339	473,951	3 76	7795	401,686	223 55
Currituck	130103	343,473	2 64	101367	245,819	2 42	125876	444,624	4 33	2729	364,051	203 32
Camden	116230	412,618	3 55	91897	267,570	2 91	81754	1,033,168	3 96	1138	422,303	238 18
Caswell	262305	786,946	3 00	203459	578,467	2 84	260509	690,093	3 36	5424	790,359	445 76
Cabarrus	187764	640,274	3 41	187056	553,937	2 96	203327	402,629	4 21	13893	658,663	371 48
Chatham	96901	645,360	6 66	93753	390,625	4 16	96490	1,056,946	1 27	80825	645,360	363 99
Chowan	503832	1,063,085	2 11	428420	887,440	2 07	478089	731,716	1 99	41395	1,092,399	616 12
Cumberland	756611	1,293,805	1 71	686128	604,104	88	735701	175,803	54	41395	1,432,015	807 65
Columbus	197605	167,964	85	273660	170,760	62	325246	651,749	1 85	41185	202,061	113 96
Duplin	398414	729,097	1 83	347133	469,873	1 35	332057	962,542	7 77	3908	749,565	422 76
Davidson				34616	862,383	2 57	346562	476,630	3 05			
Davie				149057	308,887	2 47	155872	1,718,459	4 06	3122	1,940,121	1,094 23
Edgecombe	443911	1,926,572	4 34	388245	1,383,773	3 53	421099	895,908	3 16	444	918,187	517 86
Franklin	276118	916,713	3 32	254557	651,814	2 56	254557	1,276,757	3 77	3140	1,195,833	674 46
Guilford	388936	1,186,254	3 05	340754	985,444	2 89	388060	499,690	2 83	27	541,534	307 12
Gates	161556	544,444	3 37	162616	477,894	2 93	171656	1,219,427	3 37	2141	1,167,098	658 25
Granville	439941	1,161,446	2 64	394956	1,017,334	2 57	429804	579,501	3 73	410	550,769	310 63
Green	147646	549,244	3 72	150865	379,949	2 51	154995	1,582,162	4 15	967	2,066,790	1,165 67
Halifax	379657	2,061,540	5 43	381200	1,521,625	3 99	380512	563,070	3 08	16598	894,929	504 75
Henderson	198584	830,081	4 18	167880	522,200	3 01	182632	484,856	3 14	18683	857,944	483 88
Hyde	340287	813,287	2 39	122527	212,424	1 73	157511	250,083	1 15	16666	225,248	125 92
Waywood	157747	201,916	1 28	178173	164,939	90	215637	889,475	2 14	9114	912,927	514 96
Iredell	440229	892,458	2 00	379438	683,056	1 80	415002	486,053	2 42	2398	723,014	407 78
Jones	201422	711,020	3 53	185173	363,541	1 95	194920	738,239	1 58	13114	870,339	490 87
Johnston	437109	846,865	1 79	464756	583,540	1 25	465785	2,081,300	2 82	33304	1,332,926	763 06
Lincoln	633102	1,285,193	2 03	604846	1,310,792	2 19	735026	1,661,673	2 05	7335	1,372,277	415 83
Lenoir	199772	724,993	3 63	190626	320,428	1 63	211557	420,618	1 17	56817	422,024	238 05
Memoir	323450	359,029	1 11	297183	309,777	1 04	337767	610,759	1 57	10354	231,424	130 52
Macon				36655	177,885	4 87	153635	600,761	1 49	62954	797,699	337 11
Montgomery	419062	519,637	1 24	283522	391,140	1 37	402460	1,443,714	3 14	24424	1,386,098	782 21
Mecklenburg	409167	1,309,334	3 20	387810	1,131,541	2 91	458985	521,544	2 54	1857	593,241	332 58
Martin	190130	587,503	3 09	188159	465,654	2 47	204528	645,233	1 66	60724	1,512,612	853 12
New-Hanover	352822	1,293,399	3 61	234952	408,398	1 73	387274	590,876	7 14	5085	714,124	402 76
Nash	322341	703,034	2 15	312989	502,010	1 60	338103	1,323,713	4 32	723	1,532,445	864 30
Northampton	380238	1,528,862	4 96	283330	1,287,136	4 50	306267	181,296	5 57	39113	707,687	399 11
Onslow	230978	605,153	2 62	166381	372,051	2 23	149605	1,717,336	3 06	13336	1,960,414	1,105 68
Orange	590152	1,917,993	3 25	153241	457,129	3 83	563511	672,881	2 99	3426	667,088	319 94
Person	212342	511,745	2 41	206860	1,467,121	2 32	224711	430,186	9 84	344	407,804	280 76
Pasquotank	116786	496,342	4 25	92158	331,076	3 59	86678	1,016,033	2 86	10854	1,442,843	813 57
Pitt	353258	1,399,713	3 94	314155	872,170	2 77	257464	679,985	2 91	2707	575,554	324 61
Perquimans	121603	563,921	4 63	127459	442,313	3 30	130335	873,650	2 94	12104	2,211,216	1,247 13
Rowan	763762	2,176,720	2 85	300797	818,678	2 70	297058	885,034	2 03	33965	965,152	544 39
Randolph	408811	891,207	2 18	402075	746,978	1 84	435369	832,816	2 50	6895	745,537	420 48
Rockingham	318078	729,472	3 33	288675	630,552	1 8	332976	494,567	81	5104	509,360	287 28
Roheson	487420	504,103	1 03	540643	365,011	67	604848	594,531	1 73	28080	508,576	286 94
Richmond	297432	463,991	1 56	299891	514,205	1 71	342566	1,275,854	1 26	71324	1,044,194	588 93
Rutherford	664024	942,914	1 42	507673	517,919	1 63	441883	545,038	1 62	11483	787,226	440 20
Sampson	449884	769,301	1 71	428610	718,130	59	484398	856,015	1 76	45651	914,267	515 65
Surry	525766	841,226	1 60	451432	790,358	1 76	479586	962,792	1 00	24623	958,271	540 56
Stokes	378042	899,669	2 38	448657	252,795	1 87	178250	319,735	1 79	19597	385,137	217 32
Tyrrell	122064	332,014	2 72	135019	305,402	1 86	166465	276,392	1 66	5739	451,859	254 85
Washington	175205	437,512	2 50	163928	372,500	1 35	325069	1,371,145	2 52	2668	1,729,937	975 68
Wilkes	258335	457,253	1 77	275392	1,155,058	2 28	542704	1,055,332	3 35		1,045,425	589 62
Wake	504525	1,721,800	3 05	504549	892,665	3 06	314960	1,048,948	2 89	6142	1,166,239	657 76
Warren	290639	1,045,425	3 60	291201	780,438	2 20	362708	327,095	90	9249		
Wayne	325176	1,144,620	3 52	330982	140,881	1 17	363451					
Yancey	†			119637								

* Included in Rowan.

† See Burke and Buncombe.

\$ 53,521,513

19080257 \$ 99,130,108

22584518 \$ 51,032,580

1564034

\$ 32,016 51

No. 4.

REPORT

OF THE

COMMISSIONERS FOR REBUILDING THE CAPITOL.

RALEIGH, Nov. 26th, 1838.

To the Honorable,

The General Assembly of North-Carolina:

GENTLEMEN:

The Commissioners entrusted with the superintendence of the rebuilding the State Capitol, respectfully report: That since the last meeting of the Legislature, the work has been diligently prosecuted, and though it is far advanced, still lacks much of completion. It has been protracted greatly beyond, not only the expectations of the public, but the calculation of the Commissioners, and others immediately concerned in its construction. The amount of expense has in a no less degree exceeded the sum originally supposed necessary. Both of these results may be accounted for by the statement of a few facts, perhaps not generally known or recollected. In the original design of the building, the splendid Porticos at the East and West Fronts were not contemplated. They constitute a very important item of labor and expense, and by their beauty compensate well for both. Subsequently, in order to render the various offices in the basement story fire proof, it became necessary to groin or arch the supports for the floor of the second story, and upon which rests the Legislative Halls. At the same time it was discovered that the passage walls originally constructed with different views, were of insufficient strength to sustain the immense weight of masonry reposing mainly upon them. They were not only of too slender construction, but intended in the finishing to be covered with plaster. In their re-erection this defect was likewise remedied by giving them the polished and highly ornamented surface necessary to correspond with the Rotunda, which like the rest of the building is of beautifully wrought granite. This groining, composed chiefly of hewn rock, was a work of great labor and expense. There are likewise many polished and fluted granite columns with capitals tastefully carved, distributed throughout the building, which did not enter into the original plan. These several improvements, varying materially the original design, were submitted to former Legislatures and approved by them.—

Another cause, contributing very much to the uncertainty of any estimates of time and money which were made, has been the varying degree of hardness of the Rock. It is all indeed of a remarkably fine texture and what is called *tough* in the working: but in the progress of quarrying these qualities, particularly the latter, were found greatly to increase, and in the same proportion to add to the labor of cutting and polishing. These were impediments which could not be foreseen, and consequently did not enter the minds of those who made the estimates in the early and subsequent stages of the progress of the work. Covering the roof and dome with Copper proved a much more expensive item than was expected.

In the original plan, and of course in the estimates, the Galleries to both Halls were by some oversight omitted. This defect has been supplied by Mr. Patton the present accomplished Architect, in a style beautifully corresponding with the general design. The capitals for the fluted columns supporting the Galleries, were executed by an able Carver at Philadelphia. The Iron Castings for the Dome, Stair Cases and Coridors, were also obtained at Philadelphia. They are all now paid for. The plastering is under contract, and in rapid progress. A contract has likewise been made for the Furniture, and for both of these objects considerable advances in money have been made.

With regard to contracts abroad, for work or materials, the Commissioners have pursued one uniform plan, viz: to ascertain from Architects and builders of the highest character, in several States, the just and necessary cost of the several articles required, together with their opinion or recommendation of workmen wanted, and the rate of wages proper to be given.

Long before the close of the last year it was discovered that the appropriation by the last Legislature would fall far short of the sum required to complete the building and even to carry it on until the present session. Early in last summer the whole amount was exhausted. To dismiss the workmen and officers and subject the materials and machinery to waste and decay till the further pleasure of the Legislature should be ascertained would have been (if avoidable) inexcusable folly and extravagance. Various schemes were suggested to obviate the difficulty, as the Public Treasurer had no authority to advance any portion of the funds of the State not appropriated to this purpose. Several private gentlemen offered their names to raise the money required. But the Bank of the State, on learning the difficulty, in conjunction with the Bank of Cape Fear, offered, in a spirit of liberality, and under a reliance on the good faith of the State, to advance such sums as might from time to time be required, upon the bare order of the Chairman of the

Board of Commissioners. The sums thus advanced up to the first of this month, amount to \$ 30,300, of which sum \$ 19,000, was received from the Bank of the State, and \$ 11,300, from the Bank of Cape Fear.

While the Commissioners have spared no pains to insure a faithful and judicious expenditure of the funds placed in their hands, they have at the same time spared no *necessary* expense in procuring the best materials, workmen of the highest order, and wherever they have found them inappropriate or defective, the best *plans*, for carrying into effect the liberal and enlightened views of the Legislature. In the construction of an Edifice designed to last for ages, any petty attempts at economy in labor or materials could but defeat the true intent of the work, or display a ludicrous contrast of meanness and magnificence. The length of time and the amount of funds, which have been necessary for the work, though far exceeding the calculations of many, were not foreseen even by former Legislatures who were entrusted with its supervision. The great variety of opinion which prevailed when the work was commenced, amongst men who seemed qualified to judge, proves the impossibility of forming any estimate which could be positively relied on. However, the Commissioners feel some degree of gratification in presenting to the Legislature a view of the building as it is,—a creation of their own; honorable to themselves—an object of just pride to every liberal mind in the State, and the admiration of every enlightened stranger.

With regard to the amount of money still required, the Commissioners would reluctantly attempt an estimate, having been taught by experience how difficult and uncertain must be every estimate as to time and expense, in the erection of a building of such magnitude, material and workmanship. Yet from the best and most minute calculations, they have been able to make, they are of opinion, that \$ 70,000 will cover the prospective expenses. This is a matter, however, which had best be left to your committee, which it is presumed will be appointed to examine the details of what has been done. To enable the committee to arrive at a satisfactory conclusion on this and all other matters connected with the work, the Commissioners will take pleasure, in laying before them, for inspection, all their Books and accounts, and in giving them any other information or assistance they may need.

All of which is respectfully submitted

BEV. DANIEL, *Chairman.*

No. 5.

LEGISLATURE OF NORTH CAROLINA:

RALEIGH, DECEMBER, 1838.

REPORT

OF THE

COMMISSIONERS FOR DRAINING MATAMUSKEET LAKE IN HYDE COUNTY.

To the Honorable,

The General Assembly of North-Carolina:

GENTLEMEN:

The undersigned Commissioners, appointed by His Excellency, the Governor of the State of North Carolina, under an Act passed at the last session of the Legislature, entitled, "An Act appropriating eight thousand dollars to drain Mattamuskeet Lake in Hyde County, having discharged the duties assigned them, respectfully report: That they made an effort to procure private subscriptions to aid them in carrying into effect the object of the Act, but could not succeed, the overflowing of the Lake having for several years previous thereto, destroyed the crops of the inhabitants of the neighborhood, thereby so reducing their means, as to render them incapable of assisting in this work. A Canal was cut a few years since by the late Dr. Hugh Jones, from the Lake to Ysocking Creek, on which a mill was erected. The then proprietor, Mr. Riley Murray, tendered to your Commissioners the said Canal, who after satisfying themselves that their object would be better accomplished by purchasing the said Canal from the proprietor, and expending the residue of the appropriation in widening and deepening it, became the purchasers, and paid Mr. Murray therefor three thousand dollars. The Commissioners then made arrangements for deepening and widening the Canal to fifty feet at the lower end, and forty feet at the Lake, advertising the same and letting it out in lots of one fourth of a mile each to the lowest bidders, taking bond and security from the contractors, for the faithful performance and completion of their contracts, by the 1st of November, A. D., 1837. On the 2d day of November,

1837, the contracts having been completed, the Canal was opened and the water of the Lake commenced passing off very rapidly. Some inconvenience was experienced by those who owned land near the point at which the Canal emptied itself, the press of water being so great as to inundate a portion of those lands. But this difficulty was, in a few months, removed, for as the water of the Lake subsided, the pressure became less violent. These lands are consequently relieved, and at this time are in a fine state for cultivation. As the water in the Lake was reduced, the *Flats* on its margin were left dry and it became necessary to extend the Canal through those *Flats or reclaimed Lands* into the main body of the Lake. So soon as the season arrived when the work could be done most advantageously, the Commissioners employed laborers and extended the Canal through those *Flats or reclaimed Lands*. This part of the work has not yet been completed to their satisfaction, but there is remaining in the hands of the Commissioners about \$100, which will be expended in improving this part of the Canal through the *Flats*, so soon as the water of the Lake subsides sufficiently for the accomplishment of this purpose. The water in the Lake is now more than three feet lower than it was at the time the appropriation was made, and large flats which at that time were covered with water, and of no use or value, are now dry and fit for cultivation. The flats thus reclaimed extend nearly around the Lake about forty miles in length and from one quarter to a half a mile in width, containing several thousand acres of land, a large portion of which if now put in market would command excellent prices. For many years previous to the draining of the Lake, the farms adjacent to it were unprofitable; indeed many of them had been deserted. The water of the Lake was risen so high as to render the public road in many places impassable near its margin. By this the lands had been reduced to a nominal value and no one wishing to purchase, many wealthy and enterprising citizens were forced to abandon the home of their fathers and seek their fortunes in more favored climes. This unfavorable state of things has been entirely changed by the appropriation made by the General Assembly. This small sum has accomplished much, by removing a fruitful cause of disease, and stimulating our farmers to exertion, the land now by their products richly repaying them for their labor. Farms which but two years ago were deserted as unprofitable in cultivation, are now really valuable, yielding luxuriant crops, and it is certain, that the increase of their value will sufficiently repay the State, by their taxation, for every dollar which has been expended. This fact will clearly appear from the circumstance, that the lands in Hyde County have been returned for the past year at a valuation more than double that of

any former year ; whilst the lands in no other County in the State have so increased.

In conclusion the Commissioners would respectfully represent to your Honorable body, that from a full knowledge of the situation of the land in that section of the County, they fully concur in the opinion of C. B. Shaw, Esq., Engineer of the Literary Board, that great and increased advantages must accrue to the State by cutting a Canal from East Bluff Bay in Pamlico Sound to the deepest water of the Lake, setting apart for this purpose a sufficient sum from the appropriation made by the last General Assembly to drain the low lands of the State. By the cutting of such a Canal forty or fifty thousand acres of valuable land will be immediately reclaimed at the trivial cost of some eighteen or twenty thousand dollars.

All of which is respectfully submitted.

R. M. G. MOORE,	}	Commissioners
TILMAN FARROW,		
DAVID CARTER,		

No. 6.

LEGISLATURE OF NORTH CAROLINA:

RALEIGH, DECEMBER, 1838.

REPORT

OF

THE COMMISSIONERS

APPOINTED TO

SUPERINTEND THE SALE

OF THE

CHEROKEE LANDS.

RALEIGH, N. C.

THOMAS LORING, PRINTER TO THE LEGISLATURE.

1838.

No. 6

LEGISLATURE OF NORTH CAROLINA

EXECUTIVE DEPARTMENT, 1838

REPORT

EXECUTIVE DEPARTMENT, }
Raleigh, Dec'r 3d, 1838. }

To the Honorable,

The General Assembly of North Carolina:

GENTLEMEN:

I have the honor of transmitting herewith, the report of the Commissioners of the sale of the Cherokee Lands, for your disposition.

I am very respectfully,

Your obedient servant,

EDWARD B. DUDLEY.

REPORT, &c.

TO HIS EXCELLENCY,

EDWARD B. DUDLEY,

GOVERNOR, &c.

The undersigned, appointed by your Excellency, Commissioners on behalf of the State to superintend the sales of the lands acquired by the late treaty of the General Government with the Cherokee Indians, beg leave to submit the following report as the result of their labors :

In obedience to the wishes expressed by your Excellency, and in accordance with what they conceived to be their duty, they repaired to Franklin (the place of sale) some ten or twelve days previous to the day fixed by law for the sales to commence. Being strangers to the country, and to the peculiar character and productions of the lands they were charged with selling, it was deemed proper that a few days should be spent in riding over the most desirable portions of the territory, with a view of acquiring some knowledge of its topography, and of forming some opinion, not only of its value, but of the correctness of the classification made by the Surveyors of the several tracts surveyed. This being done, they returned to Franklin, and made the necessary arrangements preparatory to opening the sales, which was accordingly done on the 3d of September.

From the cursory examination only which the undersigned were enabled to make in regard to the classification of the lands, they are of opinion that it was as correctly done as could reasonably be expected, making the necessary allowances for the variety of soil, the difference of location, and such other peculiar advantages or disadvantages as might be supposed to belong to each individual tract. Some discrepancies, it is true, in the classification in different districts were found to exist, but probably not more or greater than would necessarily arise from difference of judgement among the surveyors.

The Indian territory within the limits of this State is about forty miles in length, with an average width of probably twenty-five to thirty miles, and is supposed to contain about seven hundred thousand acres, of this number, two hundred and fifteen thousand one hundred and eighty six and three quarter acres have been surveyed, leaving about four hundred and eighty-four thousand eight hundred and fourteen acres unsurveyed. This latter consists, generally, of mountainous, hilly and broken lands, for the most part unfit for cultivation, but valuable for timber, range for stock, and probably in some places for the minerals which they are supposed to contain.

The Commissioners of survey were directed by the act of Assembly to have surveyed all lands which in their estimation would command the sum of twenty cents per acre, and from calculations drawn from the field books, returned by the surveyors, it appears that the whole number of tracts surveyed is thirteen hundred and ninety-three. These embrace three thousand three hundred and ninety-five acres, of the first quality, rated by the act of Assembly at four dollars per acre—nine thousand seven hundred and sixty-one acres of the second quality, rated at two dollars per acre—twelve thousand and seventy-four acres of the third quality, rated at one dollar—thirty-one thousand eight hundred and sixty three acres of the fourth quality, rated at fifty cents, and one hundred and fifty-eight thousand ninety-three and three quarter acres of the fifth quality, rated at twenty cents per acre. Estimating therefore, the whole number of acres surveyed at the State price, it amounts to the sum of ninety-two thousand, seven hundred and twenty-six dollars and twenty-five cents.

Of the number of tracts surveyed, there were sold twelve hundred and two, containing one hundred and eighty-four thousand seven hundred and thirty-eight acres, which estimated at the State price, amounts to the sum of eighty-six thousand and thirty-one dollars and forty-five cents, and which sold for the sum of three hundred and twenty-eight thousand, six hundred and ninety-three dollars and seventy-six cents. Showing a difference between the amount estimated at the State price and that for which the land sold, of two hundred and forty-two thousand six hundred and sixty-two dollars and thirty-one cents. To descend more particularly into detail it will be found that the State price of the lands sold, averages a fraction over forty-six and a half cents per acre, and that the average price of the sale is a fraction over one dollar and seventy-seven and three quarter cents per acre, being an advance upon the State price of nearly *four* hundred per cent.

There were also surveyed twenty-four town lots of half an acre each at the site selected as the seat of Justice for the contemplated county to be erected out of the Cherokee territory. Eight of these lots were di-

rected by the act of Assembly to be sold. These brought the sum of fifteen hundred and sixty-one dollars, being an average of nearly two hundred dollars.

By the 20th and 21st sections of the act providing for the sale of the Cherokee land, the Commissioners were also directed to have surveyed and offered for sale all the Indian reservations remaining undisposed of in the County of Macon, under the same rules and regulations that applied to the other lands, and also to expose again to sale all the lands already surveyed and remaining unsold in the county of Macon.

These reservations (twenty-four in number) are a part of those taken by the Indians under the treaties of 1817 and 1819, and which were afterwards purchased by the State. They were originally laid off by authority of the General Government in tracts of six hundred and forty acres each, and so as to embrace the residence of the claimant as near the centre as possible. Being thus confined in their location, and being tracts of large size, they necessarily contained a considerable portion of poor land—out of these there were surveyed fifty-one tracts of various sizes, containing four thousand five hundred and forty-four and a half acres, being such portions only as it was supposed would command the sum of twenty cents per acre. Of the number surveyed there were sold, forty-four tracts, containing three thousand eight hundred and eighty-seven and a half acres, amounting to the sum of one thousand seven hundred and thirty-three dollars and nine cents.

The lands heretofore surveyed and remaining unsold in the county of Macon were the refuse lands of former sales, and were generally of but little value. Of this description there were in all, ninety-two tracts, comprising five thousand three hundred and seventy acres, out of which twenty-seven tracts only, containing seventeen hundred and seventy-nine acres were sold, producing the small sum of six hundred and four dollars and eight cents, being only a fraction above the State price.

With regard to the remainder of these lands, and the remainder of the reservations, it is respectfully suggested whether it would not be good policy for the Legislature to permit them to be entered, if not at the price now fixed by law for vacant lands, at such prices above, graduated according to their classification, as would ensure them to be taken up, and thus close the business in the County of Macon.

To present the result of the whole operation at one view, it will appear that there were sold twelve hundred and seventy-three tracts, containing one hundred and ninety thousand four hundred and four and a half acres, together with eight town lots of half an acre each, amounting to the aggregate sum of three hundred and thirty-two thousand, five hundred and ninety-one dollars and ninety-three cents, of which sum,

forty-six thousand, four hundred and fifty dollars, seventy-five and seven eighth cents were received in cash, being the required instalment of one eighth part of the whole, and in addition thereto such payments in advance as the purchasers thought proper to make, which amount has been duly accounted for and paid over to the Public Treasurer. The remainder, amounting to two hundred and eighty-five thousand, three hundred and seventy-one dollars, and eighteen and three eighth cents has been secured by bonds with personal security as required by the act of Assembly, and the whole number, amounting to three thousand four hundred and ninety-four, have been deposited in the Treasury Department, and two full and complete lists of the same, with duplicate receipts thereon, have been taken, one of which has been filed with the Comptroller, as provided for by law.

In relation to the future disposition of the lands already surveyed and remaining unsold in the Indian territory (being one hundred and ninety-one tracts, and containing thirty thousand, four hundred and forty-eight acres, mostly of the fifth quality,) as well as the proper disposition of that portion which is unsurveyed, two modes have suggested themselves—either of which, in the opinion of the undersigned may accomplish all the purposes desired by the State. The first is to authorize another survey to a limited extent in tracts of larger size than those in the previous survey, embracing only such land as may be considered well worth ten cents per acre, which, added to those now surveyed and remaining unsold, together with the remainder of the town lots, may form the subject of another sale, after which the balance of the territory may be thrown open to entry under the existing laws of the State.—The second is to provide by law that the lands now surveyed may be entered for a specified time, say two years, at the price fixed by the State for each grade, and those remaining at the expiration of that period, (if any) may be graduated to such a price as would ensure them to be taken up within another given period; likewise in regard to the lands unsurveyed, provision may be made upon the same principle for their entry, beginning with a sum not exceeding thirty cents, and graduating the price at the expiration of every stated period until they are brought down to the price now fixed by law for vacant lands.

By the 12th section of the act of Assembly it is provided that if any person shall be disposed to pay the whole of the purchase money, or any part thereof, *in advance*, the commissioners are authorized to receive the same, and to deduct at the rate of *six* per cent. per annum on the amount of such advancement. The gross amount of advance payments made at the late sales is five thousand five hundred and fifty-six dollars and thirty-eight cents, being something less than one-eighth part of the whole amount received, and would no doubt have been much

greater if the rate of discount allowed had been *eight* instead of *six* per cent. In the opinion of the undersigned, the Legislature ought to increase the rate of discount on payments in advance which may yet be made, for the obvious reason that in the State of Georgia which borders our Cherokee territory to the South, the legal rate of interest is *eight* per cent., and purchasers who would otherwise make payments on their bonds in advance of the regular instalments are induced, as the law now stands, to loan out their money in that State, by which they would derive an advantage of two per cent. per annum. Another reason is that it would ensure the speedy collection of a considerable portion of the second and perhaps part of the third instalment—and further that as all the laws authorising sales of the Cherokee lands heretofore have made an allowance of eight per cent. discount on advance payments, it is but justice that the purchasers at the late sales should be placed on the same footing as those at the former sales.

The undersigned cannot close this report without suggesting to the Legislature the propriety of providing by law for the appointment of an agent resident within or near the Cherokee territory, who should be required to give ample security, and whose duty it should be to receive the payments offered to be made upon the bonds given for the Cherokee lands, and otherwise superintend the interests of the State in relation to the security and collection of the debt. The opportunities are so rare in that part of the State, (distant as it is, four hundred miles from the seat of government) for sending money to the Treasury Department, that it not unfrequently happens that money which otherwise would be applied to the payment of their bonds, for the want of an opportunity to make such payment, is applied to some other purpose, and thus the debt due to the State by reason of the great distance between the debtor and the place of payment is postponed from time to time, and ultimately either entirely lost or placed in great jeopardy. We would also advise as an act of justice and liberality to the purchasers that the agent (should one be appointed) should be authorized to receive in payment for the bonds, the notes of all specie paying Banks in the States of South Carolina and Georgia, in addition to our own notes and such other currency as may be regarded equal to Gold and Silver. We venture the assertion, with the utmost confidence in its truth, that nineteen twentieths of the circulation in that part of the State is Georgia and South Carolina paper, and so long as payments are required by the State in a medium so extremely difficult to obtain as that must be where it exists only in the proportion at most of one dollar in every twenty, they must necessarily be made very slowly and in very small amounts—to say nothing of the superadded difficulty of transmitting them to the seat of Government.

In furtherance of the plan here proposed, we have no doubt that a

permanent arrangement might be made by the Public Treasurer with the Banks of the State, to receive from him on deposit all such sums of money as he might from time to time receive from the contemplated agent, and in the kind of funds above suggested, simply by agreeing to give the Bank sufficient time to convert them into such funds as it may be in the habit of receiving, before the Treasurer should be permitted to draw on the Bank for the amount, or before it should be absolutely passed to his credit. Such an arrangement as this was made by the undersigned with the Bank of the State previous to the sales in relation to the amount and kind of funds to be received by them at the sales, and we have learned on inquiry at the Bank that nearly thirty-six thousand dollars of Georgia and South Carolina paper (being the proportion of that kind of money received at the sales) has been converted into bills at a very trifling loss to the Bank, and not one cent of loss to the State. To the circumstance of this arrangement is to be attributed in a good degree the high prices for which the lands sold, and we feel warranted in saying that the purchasers considered it the greatest accommodation in facilitating their payments that could have been extended to them.

We have already extended this communication further than was intended, and fear that the details we have given may prove somewhat tedious—but if the effect shall be to diffuse more general and correct information than now exists in relation to a very interesting portion of our State, and to the interests involved, the object in drawing them out will be fully answered, and the laborers ample compensated.

All which is respectfully submitted.

S. F. PATTERSON.

C. L. HINTON.

Raleigh, December 1st, 1838.

No. 8.

LEGISLATIVE OF NORTH CAROLINA
Session, December, 1835.

HOUSE OF COMMONS
STATEMENT

OF THE

Bank of North Carolina
Witnessed and attested, 1835.

In accordance to the act requiring the President of this Institution to report to the Legislature at each Session a statement of its affairs, I have the honor to transmit through you to that honorable body a statement up to the 31st November last in manner and form as therein prescribed.

Very respectfully,

Your obedient servant,

J. D. JONES, Pres.

Mr. Speaker, CHAIRMAN

No. 8.

LEGISLATURE OF NORTH CAROLINA:

RALEIGH, DECEMBER, 1838.

HOUSE OF COMMONS.

STATEMENT

OF THE

BANK OF CAPE FEAR.

BANK OF CAPE FEAR,

Wilmington, 5th December, 1838. }

SIR,

In obedience to the act requiring the President of this Institution to submit to the Legislature at each Session, a statement of its affairs, I have the honor to transmit through you to that honorable body, a statement up to the 21st November last, in manner and form as therein prescribed.

Very respectfully,

Your ob't. servant,

J. D. JONES, *Pres't.*

Mr. Speaker, GRAHAM.

STATE OF THE BANK OF CAPE FEAR ON THE 31st DAY OF NOVEMBER, 1838.

Capital Stock,	-	-	-	-	-	\$ 800,000 00
Increased capital,	-	-	-	-	-	575,750 00
Notes in Circulation,	-	-	-	-	-	960,052 00
Deposites,	-	-	-	-	-	190,949 00
Dividends Unpaid,	-	-	-	-	-	1,634 00
Due to Banks,	-	-	-	-	-	17,900 00
Profit and Loss,	-	-	-	-	-	79,411 00
						<u>\$2,625,696 00</u>

\$2,625,696 00

Specie,	-	-	-	-	-	\$ 193,877 00
Deposites in Foreign Banks,	-	-	-	-	-	340,042 00
Notes of other Banks on hand,	-	-	-	-	-	70,485 00
Due by Banks in North Carolina,	-	-	-	-	-	84,774 00
Real Estate,	-	-	-	-	-	87,171 00
Debt,	-	-	-	-	-	* 1,849,347 00
						<u>\$2,625,696 00</u>

\$2,625,696 00

* Of the above sum of \$1,849,347, there is due by

Stockholders \$ 106,374 00
Directors 148,969 00

J. D. JONES, *President.*

JOHN HILL, *Cashier.*

Pyroclastic

No. 9.

LEGISLATURE OF NORTH CAROLINA.

RALEIGH, DECEMBER, 1838.

SENATE.

REPORT

ACCOMPANYING THE BILL FOR THE RELIEF OF THE RALEIGH AND GASTON RAIL ROAD.

The Committee to whom was referred the memorial of the President and Directors of the Raleigh and Gaston Rail Road Company, ask leave to make the following report:

The memorialists pray that the capital of the Raleigh and Gaston Rail Road company may be extended from \$1,000,000 to \$1,500,000, and that the Legislature would either subscribe on the part of the State, for \$500,000 worth of said stock, or aid the company in the completion of the said work, by a loan of the credit of the State to that amount.

The Raleigh and Gaston Rail Road was the first work of the kind undertaken in North Carolina, under circumstances too, which made the experiment rather hazardous to the stockholders; the spirit and enterprize manifested by the stockholders in this work is very creditable to them, and in the opinion of the committee entitles them to the favorable consideration of the Legislature. It was generally supposed at the commencement of this work that \$1,000,000 was amply sufficient to complete the road to Raleigh, subsequent investigation, however, has proved, that the work is more costly than was originally supposed. It is moreover believed that should the company fail in their application to the State and not succeed in borrowing money elsewhere, the work would be arrested in its present unfinished condition, which might lead to the loss of the expenditure already incurred, and bring discredit upon the justice and liberality of the State.

As an inducement to the State to loan her credit to the company to the amount of \$500,000, the company have made the following expose of their affairs to the committee. The company was chartered in the winter of 1835-6 with a capital of \$1,000,000, of which \$700,000 has been subscribed and nearly all paid in; 50 miles of the road have been completed, of which 42

miles are in daily use, for the transportation of persons, produce and the United States mail, that the whole line is now under contract, and will with the assistance asked for, be soon completed.

These 42 miles which have been completed and upon which the cars are now running, have by the amount of tolls already received on them, afforded the committee not an accurate but an approximate estimate of what will be the receipts of the road when completed to the City of Raleigh, a distance from Gaston of 84 miles.

There was received upon the finished part of the road from the month of May to October, the following sums, exclusive of pay for carrying the mail, viz :

May,	-	-	-	-	-	\$153 04
June,	-	-	-	-	-	554 77
July,	-	-	-	-	-	1,146 55
August,	-	-	-	-	-	1,278 85
Sept.,	-	-	-	-	-	3,107 77
Oct.,	-	-	-	-	-	3,924 38

\$10,165 36

The Senate will here see that as the road advances into the Country the receipts from freights and travel have very rapidly increased, it must, therefore, be very manifest to the Senate, that when the road is finished to Raleigh, there will be a very great accession to the present monthly receipts. By way, however, of placing the sufficiency of the security offered by the memorialists, for the use of the State's credit, beyond a doubt, the committee have taken the receipts of October, viz: \$3,924,38, on the 42 miles as the average for freight and passage.

Passengers it seems were first carried to Henderson, the present termination of the finished part of the Raleigh and Gaston Rail Road, on the 6th of September, and it was several days later before any freight was carried there. The receipts of the company were nevertheless for the month of September, after paying the expenses of transportation and every other expense except the cost of the repairs of the road, \$3,107 77, besides the mail pay.

The committee have been informed that the Post Master General, by a recent circular, has offered \$237 per mile per annum as a fair compensation for carrying the mail. Let us take then \$237 per mile as the sum which will probably be received by the company for carrying the mail on the 42 miles of the road which is already completed, and we shall have \$9,954 ; take off half for the expenses of transportation and there will be a clear annual revenue for carrying the mail of \$4,977 per annum.

It is believed by competent judges that the receipts of this company for October may be taken as a fair average, for though a great many goods were brought out during that month, there were no return loads.

No one at all acquainted with the country in the vicinity of this road, can doubt for a moment, that a very large amount of Cotton, Tobacco, Wheat and other agricultural products will be conveyed to market by this road. In fact it will command the trade without the probability of a rival of some of the most productive Counties in the State. The month of October presents on the part of the State a safer average for an estimate, because very little was sent to market during that month, probably on account of the smallness of the crop. Moreover the road had just been finished and was but little known; it was scarcely known beyond the immediate neighborhood that the road was prepared for freight and passengers. For these reasons the committee thought the receipts of the month of October might be fairly taken as an average for the amount of receipts for freight and passengers which will monthly pass upon the 42 miles of the road which has already been completed.

Taking these averages we have the following result:

The annual receipts from the transportation of freight and passengers (deducting all expenses except repairs of road)	- - \$47,092 56
Ditto, from mails,	- - - - - 4,977 00
	<hr/> \$52,069 56

Making \$52,069 56 the gross amount of receipts from 42 miles of the road now in operation. The committee are informed by the Engineer employed upon the road that \$400 per mile is a fair estimate for annual repairs, we will then have

Receipts on 42 miles of road,	- - - - - \$52,069 56
Deduct repairs at \$400 per mile	- - - - - 16,800 00
	<hr/>
Nett annual income,	- - - - - \$35,269 56

It is believed that there is not another instance of any company in the Southern country, and probably few any where, who could make such an exhibit. It was a long time before the Petersburg road could compare with this, and the stock of that road, is worth at this time, when there is a great depression in the market for such property, at least 5 per cent. above its par value.

There can be but little ground then for a fair and honest doubt that when the Raleigh and Gaston Rail Road is completed to this City, its stock will be worth in market at least what it cost and will always command that sum, whenever it should be the wish of its stockholders to sell. To assure the Senate that the estimate we have taken is a low one, the committee were informed, that during the period of time taken, there was but one daily line of stages, and an extra stage every other day to convey passengers from the termination of the road, the knowledge of which deterred many persons from taking this line of travel, as there would always exist some doubt whether they would not be detained for several days at the termination of the road for the want of conveyances to carry them further, a difficulty which will be removed when the road is completed.

There is another and perhaps a stronger view of this case in which the facts present themselves to the attention of the Senate. The gross amount of freight in October was \$3,943 88, and the gross amount of passage money \$2,928 66 shewing that the receipts of the road are chiefly from freights, a revenue which cannot be withdrawn from this road by any rival work.—Let us then assume as a fact that the amount of produce and merchandize transported on the road will not increase at all upon its completion, but will remain stationary at its present amount, a presumption which neither the experience of this road nor any other will justify; but for the argument let us admit the assumption. We will then have at the average assumed \$3,943 88 per month or \$47,326,56 per annum or 42 miles, double it for the whole road and we have \$94,653 12 the gross receipts for one year.

The committee have been informed that the experience of the Petersburg road, (the business of which is of exactly the same character, with that done upon the Raleigh and Gaston road) have been that the expenses of transportation, repairs of road &c. have never exceeded \$1,000 per mile per annum. Of course the expenses of the Raleigh and Gaston road can never amount to this sum until the amount of trade upon it, equals that upon the Petersburg road—let the expenses, however, be put at \$1,000 per mile, or \$84,000—The account will then stand thus,

Gross receipt	- - - - -	\$94,653 12
Expenses	- - - - -	84,000 00
		<hr/>
		\$10,653 12

To which add for carrying the mail at \$237

Per mile,	- - - - -	19,908 00
		<hr/>

\$30,561 00,

which gives \$30,561, a nett revenue, exclusive of a single passenger, as the sum which will be received from the road upon its completion to Raleigh, even if there should be no increase of freight, a state of things which no one can possibly suppose at all probable.

From these several views of the condition of the company, and the probable success of the work as a good investment of money, the committee cannot perceive the smallest probability of loss or risk to the State in loaning her credit to the company to the amount desired.

The company have already expended upon the road \$823,939 74, for which sum they yet owe to the Literary Board, the Bank of the State, and to contractors about \$200,000, which will more fully appear by a reference to an account of the receipts and expenditures of the company hereto annexed and marked A.

Should the Legislature accede to the proposition of the company and loan them its credit upon the security proposed, the State will then have, after the money borrowed has been expended upon the work, a lien on property which cost more than \$1,100,000, which pays as shewn above, a

clear annual revenue of more than \$30,000; as a security for the loan of \$500,000.

Should the State, however, contrary to all expectations, be ultimately compelled to take the property and discharge the debt, she will purchase for \$500,000 what has cost more than twice that sum, and which under the most unfavorable circumstances must always be worth the sum the State may be obliged to pay for it.

The committee have not been able to see this subject in any point of view, where there was the slightest probability of loss to the State in loaning her credit as solicited by the company, they therefore feel some reluctance in urging it upon the attention of the Legislature, with all the force, which both its justice and usefulness demands; lest it might be supposed, in so plain a case, the Legislature could be suspected of indifference to the prosperity of so large a portion of the State.

Whatever may be the profits of this road to the stockholders, every body must admit it cannot be otherwise than beneficial to the growth and prosperity of the capital of the State, a result grateful to the pride of every citizen of North Carolina. It is certainly the interest as it should be the desire of every portion of the people to render the capital of the State not only prosperous, but of easy access, by this means reformation will be rapidly diffused and those facilities for legislation which cannot be procured in small communities will be abundantly supplied. For these reasons the committee recommend to the Senate to loan the credit of the State to the company and to extend the capital stock of the company to 1,500,000, and for that purpose they have reported a bill.

The committee have inserted a clause in the bill giving the State the right at any time, within five years from the completion of the road, to become a stockholder to the amount of 5,000 shares, which privilege the State may exercise or not hereafter, if the investment proves to be unprofitable.

W. B. SHEPARD, Chairman.

A BILL

FOR THE RELIEF OF THE RALEIGH AND GASTON RAIL ROAD COMPANY.

I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,*
That it shall be the duty of the Public Treasurer of this State, and he is hereby required to make and execute, in proper form, and in his official capacity, certificates or bonds binding the State for the payment of the money purporting to be due thereon, to the amount of five hundred thousand dollars, and no more.

II. *Be it further enacted,* That the said certificates or bonds shall be issued for the sum of one thousand dollars each; and shall bear interest at the rate of six per centum per annum, payable semi-annually on the first Monday in January and July in each and every year, at the Office of the Raleigh and Gaston Rail Road Company in Raleigh, or at such other place or places as the President and Directors of the said Raleigh and Gaston Rail Road Company may designate, for making payment of the same.

III. *Be it further enacted,* That all certificates of debt or bonds of the State issued under and by the authority of this act, shall be signed by the Public Treasurer in his official capacity as herein before men-

tioned, and shall be countersigned by the Comptroller of this State and duly registered by him at large in a book prepared and kept for that purpose.

IV. *Be it further enacted*, That the said certificates or bonds shall be transferable by the holders of the same, or by his, her or their attorney, in a book to be kept by the Public Treasurer for that purpose, and in every such transfer the outstanding certificate or bond shall be surrendered to and cancelled by the Public Treasurer, and a new certificate or bond shall be issued for the same amount to the person entitled to the same.

V. *Be it further enacted*, That the debt hereby created, shall not be redeemable until after the first day of January, one thousand eight hundred and seventy, and after that day the same shall and may be redeemed at such time or times, and in such proportions as may hereafter be declared and appointed by law.

VI. *Be it further enacted*, That for the payment of the interest semi-annually at the rate of six per centum per annum, on the principal debt hereby authorised to be created on the credit of the State for the relief of the Raleigh and Gaston Rail Road Company, until the same shall be fully paid to the holders of the certificates or bonds therefor, and for the full and entire payment and redemption of such principal debt, and every part thereof, the faith of the State is hereby pledged, and the General Assembly doth hereby guarantee the payment of the full amount of the debt authorised by this act to be created, and of the punctual payment, semi-annually of the interest thereon, at the rate aforesaid, until the whole of the said debt shall be fully paid, satisfied and redeemed.

VII. *Be it further enacted*, That whenever the President and Di-

2 rectors of the Raleigh and Gaston Rail Road Company shall make,
 3 execute and deliver to the Governor of this State, for and in behalf of
 4 the State, a deed of mortgage under the seal of said Company, wherein
 5 and whereby shall be conveyed to the said Governor and his successors
 6 in office, for the use and benefit of the State, all the estate, real and
 7 personal, belonging to the said Raleigh and Gaston Rail Road Com-
 8 pany, or in any manner pertaining to the same—conditioned for indem-
 9 nifying, and saving harmless, the State of North Carolina from the
 10 payment of the whole, or any part of the certificates or bonds hereby
 11 authorised and required to be issued by the Public Treasurer, and shall
 12 also make, execute and deliver, under the seal of said Company, to the
 13 Governor, for the use and benefit of the State, a pledge of so much of
 14 the profits of said Company as shall be sufficient to pay, semi-
 15 annually, the interest which may accrue on said certificates or bonds,
 16 until the final payment and redemption of the principal of said certifi-
 17 cates or bonds—which said deed of mortgage and pledge shall be
 18 approved by the Attorney General of this State.—Then it shall be the
 19 duty of the Public Treasurer, and he is hereby required to deliver to
 20 the President and Directors of the Raleigh and Gaston Rail Road
 21 Company, the whole of said certificates or bonds, which by this act he
 22 is authorised and required to issue, taking therefor the receipt of the
 23 President of said Raleigh and Gaston Rail Road Company.

VIII. *Be it further enacted*, That in case of failure by the Presi-
 2 dent and Directors of the said Raleigh and Gaston Rail Road Com-
 3 pany to pay and discharge, semi-annually, the interest which may
 4 accrue on the said certificates or bonds—it shall be lawful for the
 5 Governor of this State, for the time being, to apply in behalf of the
 6 State, to the Superior Court of Equity for the County of Wake, for a

7 sequestration of the receipts for transportation on said Road, and for
 8 the appointment of a Receiver or Receivers of the said receipts—
 9 which Court, on the proof of the failure to pay such interest by the
 10 President and Directors of said Rail Road Company, shall have power
 11 to order such sequestration, and appoint a Receiver or Receivers accord-
 12 ingly—and in case of such sequestration, and the appointment of a
 13 Receiver or Receivers of the profits of transportation on said Road—
 14 it shall be the duty of such Receiver or Receivers to apply so much
 15 thereof as shall be sufficient to pay the interest on said certificates or
 16 bonds, semi-annually, and to pay the excess to the President and Direc-
 17 tors of said Raleigh and Gaston Rail Road Company.

IX. *Be it further enacted*, That from and after the commencement
 2 of the year one thousand eight hundred and seventy, it shall be the
 3 duty of the President and Directors of the Raleigh and Gaston Rail
 4 Road Company, to pay and redeem the principal of the certificates or
 5 bonds, hereby authorised and required to be issued by the Public Trea-
 6 surer, and delivered by him to the said Raleigh and Gaston Rail Road
 7 Company, at such times and in such amounts, annually, as may be
 8 prescribed and directed by act of the General Assembly of this State.
 9 And in case of failure of the President and Directors of the said Ra-
 10 leigh and Gaston Rail Road Company to pay off and redeem the prin-
 11 cipal of the said certificates or bonds, at such times and in such amounts
 12 as may be prescribed and directed by act of the General Assembly—
 13 Then it shall be the duty of the Governor of this State, for the time
 14 being, to cause the mortgage made and executed by the President and
 15 Directors of the said Raleigh and Gaston Rail Road Company to be
 16 foreclosed in the Superior Court of Equity for Wake County, which
 17 Court is hereby authorised and empowered to take jurisdiction of the

18 same—And on a decree of foreclosure being made by said Court—
 19 it shall be the further duty of the Governor of the State to cause the
 20 whole estate, real and personal, so conveyed by mortgage, to be sold at
 21 such time and in such ways as shall most effectually protect and
 22 save harmless the State, against any loss or damage, by reason of
 23 its liability for the payment of said certificates or bonds, or any part
 24 thereof—and out of the proceeds of such sale or sales to pay off and
 25 redeem the whole amount of principal of said certificates or bonds,
 26 and to pay the excess to the President and Directors of said Com-
 27 pany.

X. *Be it further enacted*, That the General Assembly may, at any
 2 time within five years after the completion of said Raleigh and Gas-
 3 ton Rail Road, elect to take five thousand shares of the stock of said
 4 Road, as a full equivalent for the liability of the State, for the princi-
 5 pal of said certificates or bonds; and on refunding to the President and
 6 Directors of the said Company, the full amount of interest which they
 7 may have paid on the said certificates or bonds, to the time of making
 8 such election. And on electing to take the said shares, the mortgage of
 9 the real and personal estate of said Company, to secure the payment of
 10 the principal of said certificates or bonds, and the pledge of the profits of
 11 the said Rail Road, for securing the payment of interest as herein pro-
 12 vided for, shall cease, determine and become of no force and effect; and
 13 thereafter the State shall be liable for the payment of the principal of
 14 said certificates or bonds, and the interest accruing thereon.

XI. *Be it further enacted*, That the stockholders in said Raleigh
 2 and Gaston Rail Road Company, shall have power, and they are here-
 3 by authorised, if they deem it necessary, to increase the capital stock
 4 of said Company to one million five hundred thousand dollars, by

5 adding thereto such number of shares as shall not in the whole ex-
 6 ceed fifteen thousand shares, which additional shares shall be taken and
 7 held to be a part of the capital stock of the said Raleigh and Gaston
 8 Rail Road Company, as fully as if the same had been originally sub-
 9 scribed therein.

XII. *And be it further enacted*, That this act shall be in full force
 2 from and after the ratification thereof.

A.

Receipts and Expenditures of the Raleigh and Gaston Rail Road Company to November 1st, 1838.

Received on account of capital stock,		\$660,504 48
" loan Literary Board.		50,000 00
" Bank of the State,		60,000 00
Bonds issued to contractors,		91,566 61
		<hr/>
		\$862,071 09
Expended on account of excavation and em- bankment,	\$ 427,913 22	
Expended on superstructure,	154,488 78	
" on bridges, &c.	83,696 91	
" on Masonry,	23,674 01	
" on iron,	46,655 03	
" land damages,	18,211 67	
" surveys,	40,508 49	
" depots, &c.	8,255 07	
" horses and cars,	570 00	
" wood and repairs,	507 38	
" contingent expenses,	3,014 54	
" salaries,	16,444 64	
	<hr/>	823,939 74
Leaving unexpended,		38,191 31

S. W. WHITING, *Treasurer.*

Raleigh, Nov. 25, 1838.

No. 12.

LEGISLATURE OF NORTH CAROLINA:

RALEIGH, DECEMBER, 1838.

REPORT

OF THE

PRESIDENT AND DIRECTORS

OF THE BOARD OF

INTERNAL IMPROVEMENT.

TO THE

LEGISLATURE OF NORTH CAROLINA.

Raleigh, N. C.

THOMAS LORING, PRINTER TO THE LEGISLATURE.

1839.

To the Honorable the

General Assembly of North Carolina :

GENTLEMEN :

I have the honor to transmit herewith, the report of the Board of Internal Improvements.

I avail myself of this occasion, respectfully to suggest the propriety of uniting the Boards of the Literary Fund and Internal Improvements under one set of commissioners. It is believed that the public good will be equally well subserved and much inconvenience and expense saved to the gentlemen composing the Board, who live at a distance from this place where the business is transacted. The pay allowed the members must certainly fall short of the expense and the trouble of attending the meetings of the Board during the busy seasons of the year, which has been occasionally necessary, though such calls have been promptly and patriotically met; yet is it right to claim their service on such conditions when it can be avoided?

At the same time it is proper to make the appointment of members living in the vicinity of, and best acquainted with, the works in which the State has an interest. The interest of State has required the convention of both Boards at the same time, and of course the Executive could not preside over both, as required by law, therefore it is necessary to appoint the meetings in succession, occupying his almost constant attention, at which he does not complain, if it were advantageous to the State. The business of the Boards are closely allied, and the profits of the accounts blended.

Transfer the Literary Fund to the management of the Board of Internal Improvements (the name most appropriate) and increase the members to five, with power to detach one or more to give particular superintendence to works in his or their vicinity, with such salary as your Honorable Board may think proper, I have no doubt would be consulting economy for the State and relief and convenience to the members.

With high consideration and respect,

I am your obedient servant,

EDWARD B. DUDLEY.

EXECUTIVE OFFICE, {
December 7, 1838. }

REPORT

OF THE PRESIDENT AND DIRECTORS OF THE BOARD

OF

INTERNAL IMPROVEMENT.

To the Honorable

the General Assembly of North Carolina:

GENTLEMEN:

The President and Directors of the Board of Internal Improvement have the honor to submit the following Report:

That the Board was organized in April 1837, and engaged in discharge of the duties committed to their care. It was ascertained that the amount of funds under the control was \$115,171 87, the balance of the old fund and the remainder of the second instalment of the surplus just then received, after meeting previous appropriations.

In conformity with the act of your last session which authorized a subscription on the part of the State, to the stock of the Wilmington and Raleigh Rail Road company, it was on the first of April 1837 made to appear to the satisfaction of the Board of Internal Improvement, by report of the Engineer of the company, that 1,088,049 80 was the estimated cost of the construction of the Road from the "town of Wilmington to Weldon on the Roanoke River," that solvent Individuals had subscribed \$751,300, and that \$198,748 31 had been paid into the Treasury of the company. This subscription on the part of individuals being nearly \$100,000—more than 3-5ths of the sum "necessary to construct said Road from the town of Wilmington to Weldon on the Roanoke River," and the payment being upwards of \$10,000 more than one fourth of the individual subscription; the Board thereupon subscribed two-fifths of the capital stock of the Company.

The act authorising this subscription on the part of the State was construed by the Board to intend that the company should be entitled to its benefit whenever three-fifths of the sum necessary to build the road from Wilmington to Weldon was subscribed by individuals, and the requisitions of the act having been literally complied with the Board felt constrained to make the subscription; but the question presented itself whether it should be limited to 2-5ths of the sum "necessary to construct the road from the town of Wilmington to Weldon on the Roanoke River," or to 2-5ths of the whole capital stock of the company, a subscription of all of which, it was estimated would be necessary to

build the Road and to effect the Steamboat connection with Charleston authorised by an amendment to the charter; considering that the subscription of individuals exceeded 3-5ths of the sum necessary to build the road by nearly as great an amount as it fell short of 3-5ths of that which was necessary for both, the road and the Steamboat connection, that the line to Charlestown would be vastly the most profitable in proportion to cost, that the unsubscribed stock would certainly be taken up and would probably appreciate in value, and considering above all that a liberal construction of the law, was most likely to be in accordance with the views of the Legislature in aiding this spirited and noble effort at improvement; the Board determined to subscribe for 2-5ths of the whole stock as before stated, and they did this the more readily as it was the opinion of legal gentlemen of reputation consulted on the occasion that the law authorised it. To enable the Board to do so, a transfer from the Literary Fund was agreed on to make up the amount—say \$ 34,828 13, until the third instalment of the surplus should be received, which would all be placed to the credit of the Board. In July following the 3d instalment was received and the amount returned. The company has since produced certificates of the payment of two more instalments by individuals and the like instalments have been paid by the Board for the State; for more particular information the report of the company and account of their Treasurer are herewith submitted marked A.

By the Report it will be seen that the company wish to obtain the assistance of the General Assembly to endorse their Bond, to enable them to effect a loan on better terms than they would command without the State endorsement for the amount of \$ 349,081 32 to complete the road; in preference to calling on the individual subscribers for the fourth instalment or forcing into market the balance of the stock for less than its probable value on the completion of the road. This measure would be for the benefit of the State as well as individual subscribers.

The payment of the fourth instalment by the State would lessen the amount to be raised by loan. This could be done without inconvenience to the State, and we feel no hesitation in recommending the same. Individuals have preceeded the State in the payment of seventy-five per cent.; it appears but just that the State should pay the other 25 per cent. without waiting till individuals have paid theirs. The precautionary measure of requiring individuals to pay first, in Virginia where the 2-5ths and 3-5ths system has been established, is carried only to the second instalment, after which the copartners proceed in the payment "*pari passu*."

The expense of the stages to complete the route to make it valua-

ble is more than that of the road and Steamboats together, and consequently it is all important to prosecute the work with all possible vigor to a speedy completion. The operations of the roads, boats and stages, now nett a small income, on the completion of the road, the mail only would yield near 5 per cent. with less expense than it can at present be carried, which with the increase of travel and transportation it is confidently believed will make it the best stock in the State. An early completion is also important not only as a test for other works in contemplation and so much needed by the State, but because such a large portion of the materials used in the construction of Rail-Roads is so perishable in its character as to make an early use of the road the best economy.

In suggesting a new measure of improvement it is deemed important to revert to those works, which have already been constructed, or are in a course of construction, in order to shew its connection and necessity, for as the object of works of improvement ought to look to the increase of commercial facilities and general intercourse, their connection and mutual dependence is to a great degree indispensable, and in taking this review it is obvious to consider the Wilmington and Raleigh Rail Road as the basis of the Rail Road system of the State.— This road could never have been regarded by the Legislature as a mere thoroughfare for northern and southern travel, or it would not have been patronized so liberally as it has been. It can be a matter of not the slightest importance to the people of North Carolina, whether the citizens of other States should occupy twelve hours or as many days in passing through the State. Other considerations it is presumed operated with that body. The conviction that no extensive Rail Road can sustain itself by the sole transportation of productions, without the aids desirable from the transportation of a great number of persons, no doubt had its influence and induced that body to avail itself of the opportunity to promote the lasting interest of the State, which offered in the construction of a road, whose peculiar locality adapts it to both. An immense transportation of persons was reasonably anticipated on this road, at the same time that it was foreseen that no road leading from any other of our seaport towns to within about 30 miles of the seat of Government (the supposed centre of the State) could by possibility be so located as to offer the same advantages; no other seaport in our State is so situated in reference to the great mass of northern and southern travel, as to make it tributary to the great object of throwing at least, a very large portion of the produce of the State into one of its own.

The company, as will appear from the report of the President, is

at present assiduously engaged in completing the branch of the road which leads to and unites with the Portsmouth road at Weldon, whilst the main stem (properly so called if we regard the title of the company, or the leading interests of the State) to Raleigh is postponed. The intention of the company however, it is understood, is to accomplish both, and although the object in hastening to completion the line to Weldon is a legitimate and proper one, as it is from that branch, the greatest profit is expected, nevertheless it appears to the Board that measures should be adopted to accelerate the commencement of operations on the line from Raleigh, to the intersection at Waynesborough, or other more suitable point. Until this line is completed the road must remain a dead letter to the interest of the great section of the State lying west of Raleigh and which is looking with anxiety to its completion. When this road shall have been constructed and the Raleigh and Gaston road finished, Wilmington on the one hand and the markets of Virginia on the other, will virtually have been brought to the centre of the State, for a single day will then suffice to place the produce accumulated here, in either, and the farmer and planter of the west may *here* end his journey in quest of a market.

Although much will certainly have been done *then* for the western section of the State, much will remain to be done if its drooping agriculture and commerce are to be thoroughly revived and the supposed views of the Legislature are to be carried out. These seem to have looked to two modes of communication between the valley of the Yadkin and Wilmington, the one through Fayetteville by Rail Road and the Cape Fear river, and the other through Raleigh by Rail Road. The intention to communicate through Fayetteville is manifest, and would doubtless be carried into effect, had the requisite amount of individual stock, to secure the subscription of the State, been taken; that of communicating through Raleigh is *presumed* from the evident policy of the measure, both as regards the end in view and the means by which it was to be accomplished: it was important to offer to the west the choice of markets which the two roads leading north and south from Raleigh is intended to afford, and it was expedient to use the extension of the Gaston road from its intersection with the Fayetteville and Yadkin road for the purpose; for this road was proposed to be constructed without the aid of the State. Taking it for granted, that the *leading* policy of the State in relation to its Internal Improvement, is to conduct the produce of its western section to one of its own ports, and believing that a sufficiency of stock has not been subscribed and is not likely to be subscribed to carry into effect either of the plans above mentioned; more liberal aid on the part of the State,

than the 2-5ths and 3-5ths scheme proposes must be afforded or *they* must be abandoned, and some other plan of a more practicable character adopted.

The Board have had this part of the subject under consideration, and incline to the opinion that a turnpike road from Raleigh to Salisbury, (thence westward to the limits of our State, if deemed expedient) with a branch to Fayetteville, would answer the demands of the intervening country, and the section circumjacent to Salisbury. The Board is fully aware of the highly excited state of public feeling on the subject of Rail Roads generally, and on that of one from the Yadkin to Fayetteville or Raleigh in particular, and nothing short of a due sense of duty could induce it to make the suggestion it does; but unless the Legislature will at once by an issue of stock, afford the means of perfecting the rail road scheme, it will be in vain to rely further on individual exertion, and a mode of improvement entirely within the ability of the State, should at once be adopted; of this character is the proposed turnpike.

The length of this road, supposing it should be located on the present stage route, will be about 134 miles; the mode of construction might be that of some of the western turnpikes of Virginia—all the parts which are liable to be cut up in wet weather, to be McAdamized, and the firm ridges not liable to it, to be graded, rounded and well drained. The McAdamized portion may be done for about \$ 3000 per mile. The ridge portion for about \$ 300. In the absence of any survey it is impossible to say how much will be required to be McAdamized, but it probably will be safe to assume one half,

67 miles at \$ 3000 per mile	\$ 201,000
67 do \$ 300 do	\$ 20,100

For the main road	\$ 221,100
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The Fayetteville branch, supposing it should leave the main road at a point 80 miles distant from that town, will cost for

40 miles at \$ 3000	\$ 120,000
40 do at \$ 300	12,000

132,000

Total for both roads	\$ 353,100
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The effect of this measure will be to reduce the price of transportation from one half to one fourth, or what is the same thing, enable the transporter to carry with any given power from double to four times the weight he can carry on the ordinary roads of the country,

and when the very small sum which it will take to produce so great a good to a section of the State which has received absolutely nothing from the public chest, in the way of improvement, is taken into view, it is not perceived that the Legislature would act otherwise than with justice and policy in effecting the work at the public charge.

The main road is proposed to be laid through the counties of Wake, Chatham, Orange, Guilford, Randolph, Davidson and Rowan. These counties, according to the last census, contain 124,943 inhabitants—something more than a sixth part of all the inhabitants of the State, and the counties, portions of which lie within 35 miles of the road, and of course within striking distance of it, contain 302,787—near one half of the whole population of the State. This view is intended to exhibit what the Board have no other means of exhibiting, not only the great amount of persons to be benefitted, but the probable amount of productions that will find an outlet by this road, for it is fair to assume that the population of these counties is as productive as that of any other portion of the State, if so, nearly one half of its exportable productions may be advantageously transported on this road. Reverting to the postponed part of the Wilmington and Raleigh Rail Road, towards the promoting of the speedy construction of which the action of the Legislature is considered important, as it is an indispensable link in the proposed chain of internal communication, it is worthy of observation, that the population of the counties, portions of which are within 35 miles of the line on which it will probably be laid, when added to the counties before mentioned on the turnpike route, will reach to 414,277, considerably more than half of the whole population of the State. The Board declines to make any comment on this important fact; the inference from it is palpable.

On the subject of providing the funds which may be necessary to effect this work, it is presumed there can be no difficulty in supplying them. A single financial operation will place them at the disposal of the State. Three hundred and fifty three thousand one hundred dollars, is the estimated cost of the work. Let the State issue six per cent. stock to that amount redeemable in 12 or 18 years. Such a stock would probably sell at a premium of 5 or six per cent. At the same time let \$176,550 of the funds belonging to the State, be set apart to sink the debt, which that sum with its accumulating interest will do if properly managed, in less than 12 years, the first period suggested for reimbursement; at the end of which the whole outlay of the State on account of the work will have been \$176,550 only. But if the sinking operation is extended to 18 years, then the outlay of \$353,100 will have been repaid, and the \$176,550, returned to the treasury. The tolls

on the road will meet the annual interest on the \$353,100. This will amount to \$21,186. The fact stated by Mr. Murphy in his memoir on the Internal Improvement of North Carolina, that the section of the State west of the Yadkin, exports annually \$2,000,000, worth of produce is assumed, and it cannot be doubted that the section east of the Yadkin and west of Raleigh and Fayetteville, exports an equal amount. Suppose however, that both sections should send on the proposed roads only \$2,118,000 worth of produce, an amount far short of that which it is believed will be sent, and suppose that one per cent. only on the value, should be charged as toll, then the annual interest as above stated will be met by the tolls. A barrel of flour worth \$5, will pay 5 cents, a bale of cotton worth \$30 will pay 30 cents, and other articles in proportion. It is shewn then that by borrowing \$353,100 at simple interest, say 6 per cent. which the tolls on the road will pay and by loaning \$175,550 at compound interest, for the period of 18 years, the work may be effected without a cent of cost to the State.

The use of the road will therefore be a clear gain to the State, and a constant source of revenue to the amount of more than \$20,000 annually—An aversion from going in debt is as commendable in a community as in an individual—but there are cases which make it highly expedient in either to do so; this is believed to be one of them—for a vastly important object is to be obtained, which it is not perceived can be otherwise attained, and if the foregoing view of complete reimbursement to the treasury and permanent revenue to the State should be considered doubtful, or absolutely fallacious, still the work should be commenced and the means supplied even at the hazard of a long deferred debt; permanent public works of the kind under consideration, an not designed exclusively for the passing generation, all posterity are to reap the advantages which will flow from them and nothing can be more reasonable and just, than that they should participate in the expense of constructing them. It is obvious that the same principle on which it is proposed to raise funds for this road, is applicable to every work in which the State may engage.

ROANOKE INLET.

The reopening of this inlet is justly deemed a matter of the utmost importance, not only to a large, populous and wealthy section of the State, but to the coasting trade of the United States also; it is nearly central on the Atlantic frontier and is so situated in reference to Cape Hatteras shoals as to be the precise point where a harbor is most wanted; at present vessels driven on the coast to the North of these shoals by

N. E. storms are almost always lost, if they are not able to enter the capes of Virginia or weather the shoals, this is the certain consequence and an immense number of lives and amount of property is thus lost annually from the want of an inlet at this point. The General as well as State Government appears to be very sensible of the great advantages which would result from a successful operation on this inlet. Engineers of both have repeatedly had the subject under consideration, and although it is believed to be a work entirely practicable, no steps have been taken to effect it. Previous legislatures seem to have been deterred from the undertaking by the very large sum it involves, and a vague notion of uncertainty as to final success, and the General Government have abstained, probably from the fact that no pressing demand for its action has been made by the State, the party most interested. We see that upon the representations of the portions of the State most immediately interested in their improvement, the swash at Ocracocke and the shoals below Wilmington have received the most prompt attention from the United States Government, and it is not doubted that if our whole delegation in Congress would unite in pressing the claims of the State for reopening Roanoke Inlet, the operation would be speedily undertaken ; but views of policy entirely fatal to this and every other extensive work of improvement by the U. States in the south seem to prevail ; while millions are expended annually on sections less scrupulous, the South is standing aloof on *principle*, without a just participation in the improvement effected by the funds common to all the States. If there was any prospect, that the action of the General Government on this subject could be arrested, by such a course, there would be some justification of it, but if after twenty years of unsuccessful opposition the same measures continue to prevail, it would seem that the policy which refuses or neglects to receive a fair portion of the common benefit is suicidal and ought to be abandoned.

OCRACOCKE INLET AND BEAUFORT HARBOR.

It is known that the General Government has for several years past, been engaged in the improvement of the swash at Ocracocke, and it is understood that no permanent good has as yet resulted, or is likely to result, according to the opinion attributed to the engineer engaged on the work ; if such an opinion has been expressed, it coincides with that of Mr. Fulton, who entertained great doubts of any thing beneficial being effected here. He supposed that the channel would always be liable to be filled up, and from its exposed situation could never be

a safe harbor even for small vessels. It would seem useless, therefore, for the General Government to continue its operations at this point.— The object of opening a safe, convenient, and permanent communication between the ocean and Pamlico sound might be effected by means of a short canal across the isthmus which separates Beaufort harbor from Pamlico sound. This harbor presents all the advantages of accessibility from the ocean and perfect security which could be desired, and a ship canal to connect it with the Sound would to a great extent relieve North Carolina from her state of commercial dependence, and enable her to take such rank among her sister States as her population and extent of Territory justly entitle her to.

It will be remembered that Mr. Nash made a survey for such a canal on a line that would connect North river with South river, and reported it practicable at an expense of \$700,000; but it is conjectured that the object may be effected for half that sum at the scite of the Clubfoot and Harlow creek canal. This sum is so inconsiderable, compared with the vast importance of the work, that we should not hesitate to undertake it without the aid of the General Government, if it should be deemed improper to ask it. Among other means which might be applied to it, are the 82,000 acres of land through which the canal route, proposed by Mr. Nash, passes. These lands are estimated to be worth not more than 25 cents per acre, equal to \$20,500. If the State would incorporate a company and grant these lands on condition that the work be effected, it is probable that the advantage of acquiring so large a body of fertile land, which would be measurably drained by the canal, would induce a subscription of the stock. The land in its present condition is utterly valueless to the State, and she would do well by giving it away to people it, and bring it into cultivation; if the advantage of a ship canal is superadded, it is not perceived that a more profitable disposition of it could be made. It is probable that the U. S. would contribute largely towards the furtherance of this work; indeed it is on a canal at this point that the General Government should have made its first efforts towards the improvement of the external navigation of North Carolina, because works effected here, being inland, would be secure from the influence of the ocean, and would be permanent and because such a work while it would accommodate the trade of Pamlico sound and its tributaries most completely, would be a link in the great chain of inland navigation from North to South, on which she has been acting for years past, and which is justly deemed a matter of great national interest.

CAPE FEAR NAVIGATION COMPANY.

The resolution of the last General Assembly directing the Board of Internal Improvements to inquire into the proceedings and operations of this Company, to ascertain whether it exacts any tolls not authorised by its charter, on what terms it will relinquish its charter, &c. was duly acted on by the Board, and the communication of the Company through their agent, Mr. M'Neil, which it is believed embraces all the questions of fact proposed, is herewith submitted for your information, in packet marked B.

The Board is not in possession of any information, nor has it any reason to suspect that the Company exact any tolls unauthorised by the charter, nor does it appear, from an examination of that instrument, that there is any obligation on the Company to apply them to the improvement of the river.

It is scarcely necessary to remark that the terms offered for the surrender of the river, &c. to the State, are not such as ought to be accepted. The comparative statement made by Mr. M'Neil, of the freights on this river, and on other southern rivers mentioned, is worthy of particular observation, as they show the advantages and importance to the western portion of the State of some more convenient mode of communication with Fayetteville, than now exists.

NEW RIVER.

The resolution of your last session requiring the Board to ascertain the practicability of removing the shoal at the mouth of New River in the county of Onslow, received the early attention of the Board. It being within the knowledge of the Board that a survey of this Inlet had been recently made by an engineer of the United States, the Board thought the desired information could be most readily obtained from the War Department. Application was accordingly made to the Honorable the Secretary, who promptly furnished a copy of the report and drawing of Lieut. Alexander J. Swift, which it is believed fully embraces the object of the Legislature, and which is herewith submitted, marked C.

Reports also from the Roanoke Navigation Company are herewith submitted for your consideration, marked D.

The financial operations of the Board, annexed, are supported by journal of proceedings and vouchers in the office.

All which is respectfully submitted.

EDWARD B. DUDLEY,

President ex officio.

EXECUTIVE OFFICE, }
Raleigh, Nov. 7, 1838. }

The Public Treasurer

<i>To Fund of Internal Improvements,</i>		<i>Dr.</i>
1837.		
April.	To amount then on hand	\$59,333 61
	balance 2d instalment of surplus, after meet- ing other appropriations	55,838 26
July 1.	amount 3d instalment of surplus	477,919 13
	amount of Cherokee bonds and land sales	16,649 91
	premium on funds received in surplus	964 00
	dividend Bank of Cape Fear	784 00
	do. do. do.	504 00
		<hr/>
		\$611,993 51

CR.

1837.					
April 1.	To payment of 1st instalment to the Wilmington and Raleigh Rail Road of the States' subscription	}		\$150,000	00
May 1838.	do. 2d instalment do.			150,000	00
Oct. 25th,	3d do. do.			150,000	00
	amount of loans to corporations and individuals	}		148,450	00
	Paid Col. Smith to lay off and construct a road from Franklin to the Georgia line, as appropriated			9,000	00
	To amount of expenses of the Board since April, 1837	}		791	25
				\$608,241	25
Nov. 1st, 1838.	Balance			3,752	26
				\$611,993	51

Made on loans and transferred to the credit of the Literary Board, per Treasurer's account	}	\$18,114 75
Rec'd. since		8,811 50
		<hr/>
		\$26,926 25

EEWARD B. DUDLEY,
President ex officio.

OFFICE OF THE W. & R. R. R. COMPANY, {
Wilmington 23d November, 1838. }

Gov. E. B. Dudley:

My Dear Sir—I am duly in receipt of your favor of 18th, and now do myself the pleasure of enclosing a short report of the state, condition and prospects of our company, which I hope will be found satisfactory. I also enclose a calculation of the interest due on our bonds to the State and the Treasurer's statement corrected and signed by the State Directors; there is a small difference betwixt my statement and the Treasury, (mine being taken from another statement) but as the sum total is the same, it is not important, making as you will see, the cash on hand \$72 33 more than stated by me, and another account less. As you will have seen, Gen. Owen, you are of course informed of the result. Maj. Gwynn has gone to Washington to propose for a daily mail, in which we are all anxious he may succeed, as the success of the road, we think, depends much upon our obtaining it.

With much respect

Very truly yours,

ALEXANDER ANDERSON, *President pro tem.*

A

The undersigned, President, pro tem. of the Wilmington and Raleigh Rail Road Company, respectfully submit to the Board of Internal Improvement, the following REPORT of the state, condition and prospects of the affairs of the Company.

The Road is completed in a superior style, and in daily use for the transportation of passengers and produce from this place to Faison's Depot, a distance of 64 miles, and from Weldon to Enfield 20 miles, making 84 miles. From Faison's depot to Waynesborough depot is 19 miles; about four miles of this is finished, and the remainder graded and all the sills and rails laid down and ready for the iron, with the exception of one and a half miles, which will be done by 6th Dec. next. The iron is now being laid down, and it is confidently believed that the road will be completed and in daily use to Waynesborough by the 25th December next, when 103 miles of the Rail Road will be in complete and successful operation, being perhaps superior to any road of the same materials and construction in the United States. The whole of the remainder of the road, from Waynesborough depot to Enfield, being 58 miles, is under contract at prices within the estimate, and the sills and rails for about 20 miles purchased, and laid along the line of the road; of this portion, 8 miles will be graded by the 1st of January next, and on 4 miles of which the superstructure will be laid and in readiness for the iron; and it is estimated that by the 1st of May next, twenty miles of the above 58 will be completed and in use, leaving only 38 miles, (all of which is in progress,) of this great road, which well tried and responsible contractors are bound to complete by the 1st January, 1840; thus constructing, in the short space of less than three years, one of the longest and most important Rail Roads in the world, and carrying out successfully and triumphantly, the first great work of Internal Improvement embarked in by the State of North Carolina.

By the Treasurer's statement of the 8th instant, you will perceive that the amount expended in the construction of the road, bridges,

depots, water stations, &c., including all materials, salaries, office expenses, printing, surveys, &c. &c. is	\$759,496 20
Purchase of steam boats, being balance of that account	182,176 00
Do. stages and horses, do. do.	65,778 78
Do. real estate for depots, &c. &c., including Clarendon house	10,234 95
Do. engines, coaches and cars	51,006 50
Amount in hands of agents, not disbursed	7,181 37
Contingents, being postages, advertising, agents, profits and loss, &c.	3,963 79
Amount paid to contractors in Edgecombe, partly in adv.	20,500 00
Cash on hand	39,397 85
	<hr/>
	\$1,139,735 44

The amount of receipts and balance due by the Company, as per Treasurer's statement, is as follows :

From individual subscribers, including amount paid partly in advance, to Edgecombe contractors	\$570,146 17
From State, 1st, 2d and 3d instalments	450,000 00
do. on loan	100,000 50
Balance of transportation account, being profits	7,158 97
do. instalment, (State not included)	1,540 90
Bonds payable	532 00
Scrip payable, issued to contractors in Edgecombe	1,164 00
Bills payable, 2 notes to D. J. Burr & co. for 1 locomotive, &c.	7,682 83
Balance due H. Burden, Troy factory, for spikes	1,070 96
do. do. Depeyster & Whitmarsh	439 61
	<hr/>
	\$1,139,735 44

The monthly expenses of the stages is estimated at \$4,500 00
do. do. steam boats 1,500 00

The income from stages, steam boats and rail road, may now be safely estimated at \$11,000 per month, which will gradually increase as our rail road progresses.

Estimate of the amount required to complete the Road and equipments, including the amounts due to contractors, &c.

Due on work from Wilmington to Waynesborough depot	\$70,000	00
Cost of road from Waynesborough to Enfield	442,000	00
12 locomotives with tenders	90,000	00
8 coaches, 56 passengers each, \$2250	18,000	00
80 burthen cars 300	24,000	00
2 additional steam boats for a daily line	120,000	00
Ware houses	15,000	00
Engineers	20,000	00
Negro hire	17,000	00
Due on work, Halifax to Enfield,	15,000	00
Interest due to State	9,350	00

\$840,350 00

Deduct amount paid contractors in Edge-

combe \$21,664 00

supposed avails of the Boston 15,000 00 36,664 00

\$803,686 00

Our means and expectations to meet the above are 25 per cent. from individual subscribers, being the balance of their subscription

\$188,862 50

Less received

3,555 67

\$185,206 83

Balance on 4th instalment from State 50,000 00

Amount of loan obtained in England, £38,000 ster. 180,000 00

Cash on hand 39,397 85

454,604 68

Leaving a deficiency of 349,081 32

\$803,686 00

To meet which and enable the Company to complete the Road without difficulty or embarrassment, I would most respectfully propose that the State loan the Company her Bonds to the amount of \$350,000 00, on which the money could be readily obtained as it might be wanted, and no possible risk to the State, on which the Company will, of course, pay all expenses and interest.

All of which is most respectfully submitted.

ALEX. ANDERSON, *Pres't. pro tem.*

W. & R. R. R. Company.

Nov. 23, 1836.

1838
Nov. 8.

EXPENDITURES.

To CASH PAID,	
On account of excavation and embankment,	\$ 163,215 50
" " bridges,	81,548 62
" " rails, sills, and knee	123,301 20
" " superstructure,	59,749 15
" " iron,	142,068 48
" " engines, paches, and cars,	51,006 50
" " real estate,	10,234 95
" " land damages,	11,800 76
" " shops and warehouses (at Wilmington and	
Weldon.)	39,072 03
" " engineering,	30,531 69
" " mathematical instruments,	1,794 61
" " office expenses,	1,185 67
" " salaries,	12,428 37
" " printing,	3,289 95
" " negro hire,	9,455 64
" " surveys and location,	17,327 31
" " depots and water stations,	4,417 84
" " repairs of road,	3,519 70
" " profit and loss,	261 93
" " contingent,	3,701 86
" " Halifax and Weldon rail road,	54,647 34
" " stages and horses,	65,778 78
" " steam boats—viz: Boston,	\$ 38,223 70
" " " N. Carolina,	61,143 97
" " " Gov. Dudley,	17,536 35
" " wood for boats,	5,271 99
	182,176 01
In suspense (being amount in hands of agents not yet dis-	
bursed.)	7,181 37
Amount paid contractors in Edgecombe county; partly in	
advance of contracts on the rail road, being the a-	
mount due by them on account their rail road stock,	
which sum is included in the receipts of stock as cash,	20,500 00
Balance in hands of Treasurer,	39,470 18
	<u>\$ 1,139,735 44</u>

Examined and found correct,

E. P. HALL
JAMES CASSIDEY.1838
Nov. 8.

RECEIPTS.

By CASH,	
Received from individuals on account of stock,	\$ 570,146 17
" from State of North Carolina, being her 1st, 2nd,	
and 3d instalments on subscription	450,000 00
" from ditto, on loan,	100,000 00
Balance to credit of transportation account,	\$ 7,158 97
" " interest account,	1,540 90
" " bonds payable,	532 00
" " scrip payable,	1,164 00
" " bills payable,	7,682 83
" " H. Burden, Agent, Troy	
Factory,	1,070 96
" " Depeyster and Whit-	
marsh, (N. Y.)	439 61
	<u>11,589 27</u>

Wilmington, N. C., 8th November (inclusive) 1838.
JAMES S. GREEN, Treasurer.\$ 1,139,735 44

RAIL ROAD COMPANY IN ACCOUNT WITH JAME

1838
Nov. 8.

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8	\$ 163,215 50
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Wa	59,719 15
En	142,068 48
Neg	51,006 50
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Inte	11,800 76
	39,072 03
	30,531 69
	1,794 61
	1,185 67
Ded	12,428 37
	3,389 95
	9,455 64
	17,327 31
	4,417 84
	3,519 70
	261 93
	3,701 86
Our	54,647 34
	65,778 78
	8,223 70
	1,143 97
	17,536 35
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Wilmington, N. C., 8th

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FAYETTEVILLE, June 4, 1838.

To the Board of Internal Improvements:

GENTLEMEN:

The communication of your Secretary of 23d February, transmitting the resolutions of the last General Assembly, and certain queries which you made, growing out of said resolutions, were laid before the stockholders in the Cape Fear Navigation Company, at their General meeting on the 1st instant: After due consideration they concluded that two only, of the queries, required the direct action of the stockholders; the others they directed me to answer from information to be derived from the Books of the company.

The two which requires the action of the company are,

1st. "On what terms would the Company sell out their *stock* and corporate rights, &c?"

2d. "Will the Company voluntarily surrender so much of their privilege as extends above Fayetteville, and on what terms would they make such surrender?"

In answer to the 1st inquiry the company

"*Resolved*, That the stockholders are willing to sell their stock and all their corporate rights for \$ 50 per share, provided that a satisfactory arrangement can be made to secure a removal of such obstructions as may from time to time get in the river."

As stockholders they were willing to sell at \$ 50 per share with out any condition, but as persons interested in the trade of the Cape Fear, they deem it a paramount duty before they sell to make some arrangement to secure a removal of the obstructions which may occur in the river, to effect which it may be necessary to have a commissioner or agent whose duty it should be on receiving notice of any obstruction in the river forthwith to have the same removed. This is substantially the system of the company: and it has required an expenditure of \$ 1000 to \$ 1500 annually; without some system of the kind the stockholders can have no doubt that the river would soon become so obstructed that the steamboats could not run, to the great injury of the State and the absolute ruin of Fayetteville.

2d. In reply to the 2d inquiry the stockholders have instructed me to say,

"That as the Board of Internal Improvement have expended on that portion of the river above Fayetteville the sum of \$ 11,335 11 out of the last subscription of the State, the company are willing to have

the State's shares of stock reduced that amount (say 227 shares) and thereon surrender the river above Fayetteville."

The company in their first efforts to improve the Navigation above Fayetteville, expended the sum of 44,028 25 at Buckhorn and the sum of \$59,628 18 on the canal near Fayetteville, much of the former expenditure will be found available to any future company, or to the State, should she attempt the improvement of the river above. The loss by these expenditures the company considered as merged, under the act of 1823, when she reduced her stock from \$100 to \$50 per share, and the State became a subscriber for \$25,000, or 500 shares additional stock, of which subscription the State by her board of Internal Improvement expended on this portion of the river the sum of \$11,335 11.—They therefore ask, in consenting to a surrender of the river above, that the State's stock be reduced that amount.

3d query. "The proceedings and operations of the company generally, and particularly?"

In answer to this you have herewith a general statement of the affairs of the company, marked A, page 13, and for further particulars you are referred to the subsequent answers.

4th inquiry. "The efforts used to improve the navigation of said river, and amount of funds applied to that purpose, particularly specifying the amount expended on the river from Wilmington to Fayetteville, thence to the junction of Deep and Haw rivers, and for other and such work included in the amount considered as property or otherwise?"

Answer.—The *operations* of the company commenced on the river between Wilmington and Fayetteville in the summer of 1816.—Soon after its organization under the charter—and they have been continued, more or less, every year to the present time. The obstructions which had been accumulating for ages, by sunken logs, some dropping into the river from the banks and others brought down by freshets and lodging in the channel, had rendered the river almost impassable for any description of craft. It might at that time be compared in some degree to the famous *Red River Raft*. The following are extracts from the first annual report to the stockholders, made by the late John Winslow, the first President of the company, 3d July, 1817:

"Entering upon their duties [speaking of the President and Directors] with feelings warm in the public service; they found no little embarrassment in the selection of the means to be employed to effect the objects of their undertaking. The business upon which they entered was totally new—at all events new to them—having no path marked out before them, they were under the necessity of exploring their way, guided only by the suggestions of their own minds, they proceeded

however, to make a beginning and to use such means as were within their reach to promote, as far as practicable, the grand object of the company, to wit: the Improvement of the navigation of the Cape Fear River. Operations were commenced upon the river about the middle of August, two Flats having been purchased, and a superintendent and set of hands hired. * * * * Much useful work has been accomplished, great numbers of logs removed out of the way—the shoal at Spring Hill, three miles below the town of Fayetteville, so far removed [upwards of 100 large trees and logs were removed from a space not extending over 60 yards on the river] that very little inconvenience has since been suffered from them. It is presumed the channel there, as well as elsewhere, will deepen very much now the logs are removed. [the fact was after the sand washed away it only showed another tier of trees and logs to be removed, and the operation had to be repeated for a number of years before they were all removed] a good deal of work has been done in the neighborhood of Moorhead shoals about six miles above Elizabeth, where very serious obstructions have been removed.” * * * * “The river in sundry intermediate points has been vastly improved, immense numbers of logs raised and removed, many entire trees with their roots and tops, are found, some entirely under water, and rendered almost as heavy as stone, by their long submersion. These laying in such great numbers along the bed of the river disposed in every possible direction—have excessively obstructed and at times altogether interrupted the navigation. * * * * Without improvement, the navigation to this place from Wilmington must in future have been confined to a few months in the winter, and then except in wet seasons, have been so precarious and hazardous, that the evil to the public in the additional expense required to carry on the navigation would have been incalculably great. It is now well ascertained that the principal obstructions to the free and open navigation of the river for the craft [Poll Boats] usually employed [it was believed to be impracticable to run a Steam Boat at that time on account of *snags and obstructions*] are caused by sunken logs, some dropping into the river from the banks and others brought down by freshets and sinking across the channel—in various parts of the river have collected the sand by degrees until the original channel is partially filled up; and shoals are thus formed, giving a new direction to the current.—These changes in the current produce a less depth of water, and in many places the obstructions have been so great that the navigation was completely interrupted at times when there was otherwise sufficient water in the river to carry it on.”

The following are extracts from the report of the next year, 1818.

* * * "At the last general meeting of the stockholders a hope was entertained that the obstructions in the river between Wilmington and Fayetteville would be removed before this time, and to realize this hope the superintendent of the works was instructed to employ as large a force as could be worked to advantage. He was also directed to have made without delay such additional Flats and machinery for raising and clearing away logs &c., as might be necessary. * * * * But instead of removing *all* obstructions between Wilmington and Fayetteville, only 45 miles of the river have been well cleared. *The work which has been done has facilitated the passage of Boats, and trips can now be made from Fayetteville to Wilmington and back, with much more safety, and within less time by one to two days than formerly.* The obstructions in the river disclosed to view in its present low state are so numerous that the President and Directors forbear to give any opinion as to the time which will be required to remove them. * * * * The preparations now making for running Steam Boats on its waters have greatly increased the solicitude of the President and Directors for its speedy and effectual improvement."

Permit me here to state, that some enterprising individual had had it in contemplation to put a Steam Boat on the river before the operations of the company commenced, and with that view, they made an examination of the river, which resulted in a belief that the project was impracticable, in the then state of the river, and its total abandonment.

By the fall of 1819 the company had made such improvements, and expended such sums of money on the river as in their view justified them in levying a toll, and accordingly a 'Tariff' was adopted, (see No. 8.) About the same time the Henrietta Steam Boat under the command of Capt. Rush commenced running; this Boat with her commander, and now joint owner, has been on the river ever since, and is now doing most of the business, never having been *snagged or meeting with any serious accident.* Capt. Rush who is a gentleman of intelligence and judgement, and who of course after 20 years experience must be well acquainted with the river and the operations of the company, makes no hesitation in declaring that he would not run a Steam Boat on the river if the company were dissolved, or to cease its operations.

But to return from this digression, to the history of "efforts used to improve the river," from the year 1819 till 1823, the company continued, under different superintendents, its operations on the river, not uniformly with the same energy with which they first set out; for they

found, to their discouragement, that they had, more or less of the same work to do over again every year. In the year 1823, under the act of 1823, their works passed into the hands of the Board of Internal Improvements, Mr. Fulton, civil Engineer, then took charge of the work, and during one season gave it his personal attention, with, it is believed, about the same success that the company had had. Col. Nelson was next employed as superintendent under Mr. Fulton, then came Mr. Nash and Hinton James. The last gentleman worked one summer (1826) and made the enormous expenditure of 5,200. The Board Internal Improvement then reported to the Navigation company: "That they had *removed all obstructions* in the river between Fayetteville and Wilmington, and *completed the navigation of that portion of the river*; and that the company, by its own resources arising from tolls, must henceforward keep the river in order," and that Board would then proceed to expend the balance of the State subscription under the act of 1823 on the river above Fayetteville."

There was expended on the river between

Fayetteville and Wilmington up to 1823

the sum of \$24,972 39

Expended under the Board Internal Improvement as reported to this company 12,143 13

Expended by the company, year ending 1st June 1830 956 54

" " " " 1831 \$ 309 71

" " New Boats and Machinery 1,298 52

1,608 23

" by the company year ending 1st

June 1832 968 29

" " " " 1833 1,527 20

" " " " 1834 1,538 02

" " " " 1835 1,708 74

" " " " 1836 1,525 90

" " " " 1837 854 82

" " " " 1838 1,884 99

Making a total expenditure on the river

below, of \$49,688 35

Besides removing the trees which slide from the banks into the channel, every freshet, the company have, since the year 1833, made several permanent, and very valuable improvements. At Spring Hill, they erected a centre *dam* (which was projected by Mr. Nash) about 1000 feet long, and raised the wing dam about *two* feet, which has made the pass at Spring Hill good at all times for any Boat that can get up to that point. Before the execution of this work, I saw an attempt to get a canoe with 3 Bags Coffee over the shoal fail, a man had to take the Coffee on his shoulder and carry it over."

The company also erected a wing dam at the old ferry, nine miles below Fayetteville, which improved that *cross*—they cut out the rock at Elizabeth shoal, thereby effecting a great and permanent improvement at that point—they put in a wing dam at the Sugar Loaf, 390 feet long, which confined the channel to about 50 feet—the sand washed out of the channel and produced 4 to 6 feet water—they have since taken off 20 feet of the dam to give more room for Steam Boats, having Boats in tow to pass; and still have good water. It is, however, proper to say that another shoal appears to be forming just below, which threatens to stop the Boats in low water, and it is now doubted whether this point can be permanently improved.

For several years past the superintendent of the work on the river has been directed to keep a journal of his proceedings, and the operations of each day, the number of logs or trees taken out of the channel, &c. I have just looked over the Journal of last years work, and I find that there was 1159 trees, logs and stumps removed from the river. And now, in concluding this branch of the subject, permit me to say, that the navigation on the Cape Fear river is *better, safer, less liable to interruption from low water, AND BY FAR CHEAPER* than any river South of the Potomac, of the same size and extent.

We now come to the second part of the 4th inquiry—"The efforts used to improve the river from Fayetteville to the junction of Deep and Haw rivers, &c."

Soon after its organization the company directed its attention to this portion of the river. Various plans of improvement were suggested and examined, and the company after mature consideration adopted the following, to wit: To cut a canal about 27 miles long, reaching from Fayetteville to Fox's Island, a point on the Cape Fear above Smillie, and other great falls in the river—on this route not a lock was required, and only two or three short aqueducts—then with a small expenditure the river could be made a good navigation to Buckhorn falls—thereby a canal and two locks round said falls—then by the river to Haywood. This plan has been approved by Mr. Fulton and other

scientific persons, as not only practicable, but highly judicious, had the funds of the company justified the undertaking. The estimated cost of the whole work was \$ 250,000, and contracts were entered into for the whole line of work, the company not doubting that any funds that might be required could be raised; they were led to this belief from the fact that when the Books were opened for stock, for \$100,000, that the sum of 1,200,000 were subscribed—but experience has wofully taught them the fallacy of that reliance! The contractors commenced operations simultaneously at Fayetteville and at Buckhorn—at the former place a line of canal was excavated from Fayetteville to Strode's creek, a distance of about five miles—this section including the payment for land on the line of canals, erecting and keeping up bridges in Fayetteville and on the canal has cost the company first and last the sum of

	\$ 59,628 18
The Dams, Canal, Locks, &c. at Buckhorn	44,028 25

Soon after making the above named contracts, the company opened Books for additional stock. But in the meantime the great Bank pressure of 1818 and '19 came on, producing universal distress, and to many, utter ruin—suspicion and want of confidence ensued, and as might be expected, but few shares of stock were taken. The company now found itself *embarrassed* with *debt*, with *heavy contracts* and threatened with *total ruin and insolvency!* To save themselves from which, they had to suspend their works, and compromise their debts and contracts on the best terms they could, hoping to resume their works in more auspicious times! but these times have not yet arrived. The company however, so far completed the work (subsequently) at Buckhorn falls, as to effect a tolerable Batteau navigation through the Canal and Locks around the falls.

As to the operations under the Board Internal Improvements on this section of the river, you have better means of information than are accessible to the writer. I take the liberty however, to remark that under their direction the river was sluiced through Smillie's falls, and other falls between Fayetteville and Averagesborough, which afforded a tolerable navigation for such batteaus as could pass the canal and locks at Buckhorn falls, to Fayetteville. But the Board (then under Mr. Wyche) as we think in an evil hour, abandoned the canal and locks, and attempted to sluice through the falls, and with that view cut thro' the Dams and made an extensive sluice; but failed entirely in making, a practicable navigation, but in the attempt destroyed that which the company had. The Board Internal Improvement expended on this portion of the river, as stated before, the sum of \$ 11,335 11, as reported to this company, but for which no regular vouchers have been filed.

The *water privilege* connected with canal at Buckhorn is considered *valuable*.

5th query. "What other except from tolls, if any, sources of income?"

Answer.—The company have no income except from tolls on the river between Fayetteville and Wilmington.

6th query. "What property this company owns? how and when paid for?"

Answer.—It owns a few lots in Haywood—received from old Deep and Haw river company of very little value—it owns 100 acres of land near Strode's creek, 4 miles from Fayetteville, containing a stone quarry—value probably about \$400—purchased and paid for in 1818 and '19, out of the general funds of the company. It owns a *Ware-House* in Fayetteville, cost \$419—received of P. J. Tillinghast, March 1838, in settlement of an old debt for tolls, of some ten years standing—it also owns the line of canal at Buckhorn, and most of the line from the boundary of Fayetteville to Strode's Creek—it also owns a large and a small flat, with machinery for raising logs. It also owns some timbers for building another Flat, cost about \$150. It also holds Bonds for the sum of \$3,712 65, and accounts against others for \$1,919 05, most of which will be ultimately available.

7th query. "The number of State shares."

Answer.—The State holds 650 shares of \$50, being rather more than one third of the Capital stock of the company.

8th query. "The Tariff of Tolls."

Answer.—The rates of Tolls down the river are

on each Bale Cotton	10 cts.
" " Barrel Flour	3
" " Hhd Tobacco	20
" " Bushel Grain	1
" " Barrel Spirits	5
" " Cask Flax Seed	7

On all other articles 10 per cent. on the amount of freight to be estimated from the printed rates of 1825.

RATES OF TOLL UP THE RIVER

on each and every Bushel Salt	1
" " " Hhd. or Pipe of Spirits, Sugar, Molasses, Coffee, Crockery, hardware, dry goods or other articles	25
on each and every Ton Bar Iron	20
" " " Barrel Merchandize	5
" " " Tierce do.	10
" " " Tierce Lime	5

Dry goods and all other packages of Merchandize or other articles not enumerated, 10 per cent. on amount freight estimated by the printed rates of 1825.

9th Inquiry. "The amount of Tolls collected annually?"

ANSWER 2nd.

Gross amount of tolls previous to 1st June, 1821,	\$ 5,290 45
" " " year ending 1st June, 1822,	3,295 10
" " " 2 years " " " 1823 and 1824	6,124 80
" " " " " " " 1825 and 1826	7,399 04

\$22,109 39

Deduct incidental expenses attending collection &c. 4,521 75

Nett \$17,587 64

Nett amount of tolls the years ending 1st June, 1827 and 1828	6,045 32
" " " year " " " 1829	4,265 04
" " " " " " " 1830	3,247 50
" " " " " " " 1831	3,792 32

Total \$34,937 82

But from this sum must be deducted for insolvency &c. 3,798 61

Leaving a nett sum of tolls to June, 1831 actually collected of \$31,139 21

Nett amount of tolls the year ending 1st June 1832,	3,219 06
" " " " " " 1833,	3,093 68
" " " " " " 1834,	4,170 71
" " " 11 months 1st May 1835,	3,882 05
" " " 1 year " 1836,	3,891 98
" " " " " 1837,	3,277 47
" " " " " 1838,	1,904 71

Making the sum total of \$54,578 87

Of which amount there has been expended since 1st June 1829, a period of 9 years, in improving the river and removing obstructions, the sum of \$12,572 83, leaving for dividend to stockholders the sum of \$42,006 04.

Before closing this report I beg leave to present a comparative view of the rates of freight, before the operations of the company and at present,

RATES OF 1815 & 1816.

PRESENT RATE.

Down,
Cotton 75 cts. a \$ 100 per bale,
Flour 40 a 50 cts. per barrel,
Tobacco \$ 2 50 a \$ 3 per hhd.

Up,
Salt 10 a 15 cts, per bushel,
Hhd. 30 a 40 cts.
Iron \$ 5 per ton,
Boxes and other measurement,
Goods 12½ a 15 cts. per foot,

Down,
Cotton 40 cts. including tolls,
Flour 25 cts. " "
Tobacco \$ 1 25 " "

Up.
Salt 8 a 10 cts.
Hhd. 20 cts.
Iron \$ 3 per ton,
Boxes &c. 6 a 8 cts. per foot,

Labor was much cheaper at the former period than it now is, but it may be said that the introduction of steam boats had reduced the price of freight, but let it be remembered, that steam boats could not run, but for the improvement made by the Nav. Co. on the river.

I also give below a comparative view of the *present* rates of freight on the Cape Fear, and some other rivers.

PEE-DEE.

Cheraw to Georgetown,
Cotton 75 cts. a \$1 per bale,

Up,
Salt \$1 per sack,
Sugar and other heavy articles,
30 to 40 cts.

Dry goods 20 cts. per foot,
Columbia to Charleston,
Cotton \$1 a 3½ *

Up,
Salt \$1 a 1¼ per sack,
Heavy articles 30 a 40 cts per 100,
Dry goods 20 cts. per foot,

Darien to Macon,
Cotton \$1½ a 3½ per bale,

Up,
Hhd. molasses \$16,
Heavy articles \$1¼ a 1½ per 100,
Dry goods 37½ a 60 cts. per foot.

Augusta to Savannah,
Cotton \$1 a 3 per bale,

Up,
Heavy goods 30 a 40 cts per 100,
Dry goods 20 cts. per foot,

CAPE FEAR.

Cotton 40 cts. tolls included,
Tobacco \$1 25 per hhd.

Up,
Salt 30 cts. per sack,
Sugar &c. 17 cts per 100 lbs,
Dry goods 8 cts per foot,
Iron 15 cts. per 100 lbs.
N. B. in low water there is an addition to the above rates of 15 pr. ct. lighterage.

Hhd. molasses \$2,

Respectfully submitted by order of the Board.

GEORGE McNEILL, *Agent.*

* These rates were furnished me by Mr. D. O'Hanlon, who ran a boat on these rivers the last season—and he obtained \$3 50 for a load of cotton from Columbia, and the highest price named to Macon.

A GENERAL STATEMENT OF THE ACCOUNTS OF THE CAPE FEAR NAVIGATION COMPANY.

COMPANY, Dr.
 To capital stock 1843 $\frac{1}{4}$ shares,
 " profit and loss (including reduction stock),
 " dividend fund,
 " dividend unclaimed,
 " individuals accounts,

\$ 92,162 50
 69,626 36
 7,313 85
 3,400 64
 23 75
 \$ 172,527 10

COMPANY, Cr.
 By real estate,
 " canal at and near Fayetteville,
 " canal and works near Brukham,
 " Cape Fear river, (below Fayetteville),
 " Cape Fear river, (above
 " bonds and notes,
 " individual accounts,
 " cash on hand,

\$ 935 03
 59,628 18
 44,028 25
 49,688 35
 11,335 11
 3,712 65
 1,919 05
 1,280 48
 \$ 172,527 10

Fayetteville, June 3d, 1838,

GEORGE McNEILL, agent C. F. Nav. Co.

100

1. Interglacial economy
 2. Glaciated unimproved
 3. Dividing line
 4. Profit and loss (including regulation costs)
 5. Capital stock 1871-1890
 Continued Dr.

158
1716
3218
11-20
10-22
11-05
24-05
8-63

C.

WAR DEPARTMENT, }
April 14, 1838. }

SIR:

I have the honor to acknowledge the receipt of your letter of the 21st instant, and in reply, to transmit you a report of the Chief Engineer, the enclosure of which, and the contents of the parcel directed to you, and which will accompany this letter, contain the information respecting the improvement of New river, desired by you.

Very respectfully your most ob't serv't,

S. COOPER.

Acting Secretary of War.

His Excellency,

EDWARD B. DUDLEY,

Governor of North Carolina,

Raleigh,

North Carolina,

ENGINEER DEPARTMENT, }
Washington, April 13, 1838. }

Hon. J. R. POINSETT,
Secretary of War.

SIR:

In answer to the letter of His Excellency, E. B. Dudley, Governor of North Carolina, applying for information in relation to the survey by the U. S., of New river in Onslow county, N. C. I have the honor to furnish, herewith, a copy of the survey completed this morning, and of the report of the officer of Engineer in charge of that improvement, showing what he proposes to do. The sum of \$5,000 was appropriated in July 1836, for New river alone, and in March 1837, the \$20 000 referred to in the report. The sum of \$12,000 supposed by Lieut. Swift, necessary for operations the coming season, has been inserted in the estimates submitted to Congress for the appropriations of this year.

Governor Dudley's letter is herewith returned.

I am, Sir, very respectfully,

Your obedient servant

C. GRATIOT.

WILMINGTON, October, 15, 1838.

DEAR SIR:

I received your letter of the 13th, this morning, and feel much obliged to you for the trouble you have taken in obtaining the map desired. As to the improvement of New river, I will state with pleasure the present state of the case. Congress, in July last, appropriated \$25,000 for Core Sound and New river, the two works being stuck together for some reason that I know nothing of. Of this sum by the Senate's amendment only \$12,500, was available for this year, and as this last sum was exhausted in completing and fitting out the two Dredging Boats that have been built in Baltimore, there is at present no money available for the works. One of the Boats will commence operations in Core Sound in January, and if, at Washington, they adhere to the design of improving New river, the other Boat will commence there in February or March. The two Boats are now at Washington, one of them operating upon the sand shoal just below the town, enlarging the cut which was made in the fall of 1836, and which has proved to be of great advantage to the commerce of the town.

I have the honor to be, Sir,

Your obedient servant,

ALEX'R J. SWIFT.

Capt. U. S. Engineers,

His Excellency,

EDWARD B. DUDLEY.

SMITHVILLE, N. C. Oct. 3d, 1837.

Gen'l. C. GRATIOT,

Chief Engineer,

Sir,

On being notified of the passage of the act of the last Congress, appropriating \$20,000 for improving the navigation of New River and Core Sound, steps were immediately taken towards building a dredging boat of the proper draught for New River, and towards procuring a person competent to make the necessary preliminary surveys. The boat has just been completed at Baltimore. The gentleman who was engaged to make the survey of Core Sound and New River, finished the survey of the latter, the map of which survey is in the possession of the Department. As a large party, under the command of Col. Kearney, were occupied in making a survey of Core Sound, it was deemed inexpedient to make *another* survey of it, as I supposed that a copy of Colonel Kearney's survey could be easily procured, and that this would be sufficient for my purposes. I have been unable to obtain a copy of this survey, and consequently am unable to offer a report as to the improvement of this Sound, worthy of consideration. My views continue to be the same as those expressed in my letter to the Department of January 6th, with the exception, that I *now* think that stone jetties would be preferable to such as were used at Fort Macon.

With the map of New River before me, and with the information respecting the river that I have been able to obtain from other sources, it seems to me, that the best course to be pursued, is simply to deepen the present channel, by dredging. This channel is, however, so circuitous, that it would be necessary to make it a beating channel. As there is but seven feet water on the bar of New River, I would recommend that the channel to be excavated, should be made seven feet deep at high water, and considering two hundred yards as the minimum breadth for a beating channel, I would recommend this for the breadth of the channel.

To obtain this breadth and depth, adding 25 per cent. for inaccuracy in digging, it would be necessary to remove 350,000 cubic yards of earth, and 50,000 cubic yards of shells. As the dredging boat

is already constructed, I estimate that to excavate and remove a cubic yard of earth, will not cost more than $12\frac{1}{2}$ cents, and of shells, say 66 $\frac{2}{3}$ cents. The whole excavation then would cost \$62,500.

At the upper mouth of the ditch channel, there would be a gradual deposition, which would require to be removed occasionally. In the river itself, as the bottom is principally of mud, and as there is but a slight current, it seems to me that an excavation of the width proposed would be comparatively permanent.

Should the channel be excavated to the width and depth proposed, it is to be expected that the produce of Onslow county would be carried directly to New-York, instead of being carried, as at present, to Swansborough, Wilmington and Newbern, and thence shipped to New-York.

I have been informed by a gentleman of that county, familiar with its trade, that its exports at present are 1,800 bales of cotton, and 40,000 barrels of turpentine. The decrease in the cost of carrying these articles, could they be carried directly to New-York, cannot be estimated at less than \$6,000 per annum. The decrease which would take place in the price of the imports, may be estimated at the $\frac{1}{3}$ of 6,000 or 2,000. The effect then of the proposed improvement in the navigation of New River, would be to relieve the citizens of Onslow county from an annual payment of \$8,000.

In case it should be determined to proceed with the improvement of New River, I will mention that \$12,000 would be sufficient to defray the cost of working the dredging boat, during the ensuing year.

I have the honor to be, General,

Your obedient servant,

(Signed)

ALEX. SMITH,

Lieut. of Engineers.

D

REPORT

OF THE PRESIDENT AND DIRECTORS OF THE ROANOKE NAVIGATION COMPANY.

The President and Directors of the Roanoke Navigation Company respectfully submit the following report, to the stockholders in general meeting :

At the last meeting of the stockholders, the subject of improving the river for the purpose of using Steam power, was agitated, and an order was made to have a survey of the river, to ascertain the susceptibility of this improvement. This, of course, induced a suspension of any other improvement, until that very important question was settled; consequently, the hands of the company have been hired out for most of the last year at high prices—an account of which will be found in the proper officers report.

The hands however, during a part of the last summer and fall have been employed in repairs on the river, and are now employed on the canal, near this place.

The low price of produce, and the derangement of the finances of the country, together with the short crops have exerted a considerable influence on our receipts. Though under the peculiar circumstances of the present year, the amount of tolls collected is by no means discouraging. For a more detailed account of which, we refer the general meeting to the reports of the Treasurer, which accompany this paper.

The long expected completion of the Rail Roads intersecting the Roanoke, has recently taken place, or will shortly take place, which must exert a powerful influence on the destinies of the company. The Greenville and Roanoke Rail Road was completed during the present year, which has given great additional facilities to the markets of Petersburg and Richmond, and the large receipts at Gaston have been such as to justify high and well founded anticipations. The Portsmouth and Roanoke Rail Road, though completed to within a few miles of this place, for some time, has been of little service to us without some means of crossing the river. This disadvantage may now be

considered at end, as the cars now pass the bridge over the river with goods and passengers, and in a few days the Locomotive, and a full train, will run regularly to our basin in this place.

At no period of our existence have the means of sending produce from home to any market been so great, or the transportation so cheap. The Roanoke region by means of these two roads, now have access to any and all the markets of the Union; to predict which, twenty years ago, would have been considered madness. The improvements however, of that period, more particularly the great revolutions which have been wrought by the use of steam power, have disclosed the fact that our sluice navigation is unsuited to the improvement of the country at large, and unsuited to and insufficient for the wants and convenience of the country through which our rivers flow. Our improvements were planned and constructed before the advantages of steam power were generally known. Were they now to be made, there can be no doubt our funds might be much more advantageously applied for ourselves, and for the country.

A survey of Roanoke, Dan and Staunton rivers has been made recently by Mr. John Conty, with a view to ascertain the practicability of using steam boats on those rivers, which Mr. Conty assures us has resulted in the most satisfactory manner, and he gives it as his decided opinion, that steam boats can be put on those rivers with comparative little cost, which will reduce the price of freight to one-third of what it is at present.

Mr. Conty has not yet been able to make out a detailed report, but has kindly attended our meeting to give any information which may be wanted. He has, however, made a partial rough report to this board, which we here submit to the general meeting.

SAMUEL PANNELL, President.

WELDON, Nov. 6, 1837.

ARTICLES TRANSPORTED ON THE ROANOKE CANAL,
FROM THE 1ST NOVEMBER, 1836, TO 31ST OCTO-
BER, 1837.

2,975	hhds.	Tobacco.
5,741 $\frac{1}{2}$	bbls.	Flour.
1,389,996	lbs.	Manufactured Tobacco.
131,187	lbs.	Dry Goods.
183,817	Articles,	paying 5 per cent. per 100 lbs.
125	hhds.	Tobacco Stems.
13,714	lbs.	Coffee.
1,275	lbs.	White Sugar.
4,691	sacks	Salt.
39	hhds.	Molasses.
8,049	galls.	Domestic Spirits.
794	"	Foreign do.
1,587	"	Wine.
50	Mill	Stones.
36	boxes	Tallow Candles.
6	"	Sperm. do.
90	hhds.	Sugar
14 $\frac{1}{2}$	bbls.	do.
801	casks	Lime.
41	bales	Cotton.
9	casks	Cheese.
21 $\frac{1}{2}$	tons	Plaster Paris.
440	galls.	Oil.
7,426	lbs.	Bacon.
29,150	lbs.	Nails.
6 $\frac{2}{3}$	tons	Castings.
824	bbls.	Fish.
131	lbs.	Butter.
34	bbls.	Tar.
1	box	Soap.
3,084	lbs.	Raw Hides
24	tons	Iron.
13,894	lbs.	Grind Stones.
290	bushels	Corn.
2 $\frac{1}{2}$	tons	Copper.
100	galls.	Spirits Turpentine.
276	galls.	Vinegar.
120	"	Cider.
$\frac{3}{4}$	ton	Manufactured Iron.
34	bushels	Flax Seed.
1 $\frac{1}{2}$	tons	Dressed Stone.
443	bushels	Wheat.
100	lbs.	Lead.

STATE OF THE ROANOKE NAVIGATION COMPANY ON THE 6th DAY OF NOV. 1837.

Capital Stock subscribed by individuals	\$ 282,000 00	
" " by Board of Public works, Virginia	80,000 00	
" " by State of North Carolina	50,000 00	
		\$ 412,000 00
Received for Negroes sold		7,043 58
Premium obtained on bills of exchange		345 68
Received for discount on North Carolina Bank Notes		14 15
Profit on Bank Stock purchased		4,719 50
Interest collected from Stockholders		7,790 27
Overpaid by Stockholders		76 25
Dividend Fund		6,221 04
Due Stockholders on account of dividends		6,022 25
Errors in former Treasurer's account		54 62½
		\$ 444,287 34½
Expended in the work from its commencement, after deducting hire of Negroes, money refunded and articles sold	422,370 30½	
Due from Stockholders	12,752 11	
Cash on hand	9,164 93	
		444,287 34½
Resources of the company		
Due from Stockholders as above	12,752 11	
Thirty-three Negroes estimated to be worth	14,025 00	
Other property, tools, &c.	800 00	
		27,577 11
Liabilities of the company		
Borrowed from dividend Fund	3,078 35½	
Other debts	1,181 00	
		4,259 35½
Receipts and Expenditures during the year		
Balance of money on hand per last annual report	8,374 12	
Tolls and Rents	6,027 51	
Received from Portsmouth and Roanoke Rail Road Company for making embankment	1,230 37	
Hire of Negroes	3,166 99	
Interest collected	28 41	
		18,827 40
Disbursements during the year		
Payments to Stockholders for dividends	5,526 75	
" for improvements and repairs	3,145 70	
" to Treasurer, Secretary and superintendent of Canal	550 00	
" for Director's expenses	156 05	
" to Toll collectors	283 97	
Balance of money on hand	9,164 93	
		18,827 40

November 6, 1837.

A. JOYNER.

STATE OF THE ROANOKE NAVIGATION COMPANY ON THE 5th DAY OF NOV. 1838.

Capital Stock subscribed by individuals	\$ 282,000 00	
" " " State of Virginia	80,000 00	
" " " State of North Carolina	50,000 00	
		\$ 412,000 00
Received for Negroes sold	7,043 58	
Premium obtained on bills of exchange	345 68	
Received for discount on North Carolina bills	14 15	
" " profit on Bank Stock purchased	4,719 50	
" " Interest collected from Stockholders	8,278 42	
Overpaid by Stockholders	76 25	
Dividend Fund	8,914 51	
Due Stockholders on account of dividends	6,855 50	
Error in former Treasurer's account	54 62½	
		36,302 21½
		\$ 448,302 21½
Expended in the work from its commencement, after deducting hire of Negroes, moneys refunded and articles sold	424,447 66½	
Due from Stockholders	12,429 14	
Cash on hand	11,425 41	
		448,302 21½
Resources of the company		
Due from Stockholders as above	12,429 14	
Thirty-three Negroes estimated to be worth		
Other property, including of instruments, tools and Rents		
		27,054 14
Liabilities of the company		
Borrowed from the dividend Fund	4,344 59½	
Other debts, about	800 00	
		5,144 59½
Receipts during the year &c.		
Balance of money on hand per last annual report	9,164 93	
Tolls and Rents	9,120 66	
Hire of Negroes	1,246 07	
From Stockholders on account of Stock	322 97	
" " for interest on Stock	488 15	
" " for costs on suits	36 66	
For Mules, Oxen and Bacon sold	167 37	
		20,546 81
Payments and disbursements during the year		
Payments to Stockholders for dividends	5,151 75	
" for improvements and repairs	2,455 44	
" to Treasurer and Secretary	550 00	
" for Director's expenses	110 00	
" for expenses of commissioners to attend Legislature of Va.	412 02	
" for collecting Tolls	442 19	
		9,121 40
Cash remaining on hand	11,425 41	
		20,546 81

Weldon, November 5, 1838.

A. JOYNER.

December 31 1831

RECEIPTS

Balance of money on hand

" to Toll collectors

" to Trustees of the College

" to Trustees for interest on Bonds

" for interest on Bonds

Balance to Stockholders for dividends

Expenses during the year

Interest collected

Gifts of Books

Printing and binding

Interest from Bonds and Trustees of the College

Tolls and Fees

Balance of money on hand for next year

Expenses during the year

Other debts

Balance from previous year

Interest of the College

3107 83

382 84

126 02

220 00

3142 10

2250 12

32 41

3108 80

126 02

220 00

3152 21

2250 12

1161 00

3012 32

1831 40

1831 40

1831 32

WELDON, December 5, 1837.

SIR:

I have the honor of herewith transmitting the report of the Board of Directors to the stockholders of the Roanoke Navigation Company, with accompanying documents.

I am with very great respect,

Your obedient servant,

A. JOYNER.

The President of the Board of
Internal Improvements.
Raleigh.

RALEIGH, November 19, 1838.

SIR:

I have the honor herewith to transmit to you, for the use of the Board of Internal Improvements, the annual report of the Board of Directors of the Roanoke Navigation Company, to the stockholders in general meeting, with accompanying Documents.

I am most respectfully,

Your obedient servant,

A. JOYNER.

The President of the Board of Internal
Improvements of North Carolina,
Raleigh.

REPORT

OF THE PRESIDENT AND DIRECTORS OF THE ROANOKE NAVIGATION COMPANY.

The President and Directors of the Roanoke Navigation company respectfully submit the following brief report to the Stockholders in general meeting assembled :

Owing to the anticipation of an improvement of the Roanoke and the principal tributaries, Dan and Staunton, with a view to Steam Boat navigation, it was thought prudent to suspend operations, in the way of sluicing, except so far as they were indispensable to the immediate passage of produce during the past summer. At the opening of the season for such operations, the company's hands were employed in the operation of the works at Danville; thence they descended the Dan, and in their passage executed what seemed to be necessary to render the sluices or that stream safe and easy of navigation. The Banister was the next object which claimed attention, and has, it is believed, been put in such order as to preclude all further expenditures of money and labor for years to come. The season being far advanced, the hands were then taken up the Staunton as far as the head of Long Island, effecting in the passage, such improvements, as were thought necessary. Thence they descended the Roanoke, and have placed all its sluices in a condition to be navigated with comparative ease and safety. The Board take pleasure in calling the attention of this meeting to the improved condition of the finances of the Company. Our tolls within the last fiscal year have increased about fifty per cent. on the receipts of any former year, and it is confidently believed would have been considerably more, but for the low state of the water, which for a period of three months produced a suspension on some, and a great decline of business on all parts of the river. By reference to the Treasurer's report, herewith submitted, it will be seen that the funds of the company will justify a dividend of $2\frac{1}{4}$ per cent., which this Board most respectfully recommend to this meeting to declare.

SAMUEL PANNELL, President.

Weldon, November 5, 1838.

Report to the President and Directors of the Roanoke Navigation Company by A. JOINER, Treasurer.

Report of A. Joiner, Treasurer, to the President and Directors of the Roanoke Navigation Company.

The undersigned respectfully reports, that the balance remaining in the hands of the Treasurer at the last settlement on the Nov. 1837, amounted to,	\$9,164 93
Since which time the following sums have come into his hands:	
Received from Stockholders on account of stock,	322 97
" for interest from Stockholders,	488 15
" for costs expended in certain suits,	36 66
" for hire of negroes since last settlement,	1,246 07
" for 47 lbs of bacon had by overseer,	5 87
" tolls collected from 1st November, 1837 to 31st October, 1838	\$8,815 66
Deduct commissions for collecting toll,	442 19
" Water rents,	8,463 47
" Mules and oxen sold by B. A. Pope under order of Board of Directors,	275 00
	161 50
	\$20,104 62
And that during the same period disbursements have been made for outstanding debts at last meeting and expenses incurred since, amounting to,	\$3,527 46
Payments to stockholders on account of dividends,	5,151 75
	8,679 21
Leaving a balance in the hands of the Treasurer of,	\$11,425 41
That portion of the foregoing receipts which constitutes the dividend fund, is composed of the following items:	
Nett tolls collected from 31st October, 1837, to the 1st November, 1838 amounting to,	\$8,403 47
Water rents,	275 00
making,	\$8,678 47
To which add surplus remaining after declaring last dividend.	236 04
Aggregate dividend fund,	\$8,914 51

A dividend of 2½ per cent. on \$399,000, the present amount of capital, after deducting \$13,000 of stock purchased and owned by the company, will amount to \$8,997 75 and will exceed the dividend fund by the sum of \$83 24. So small a balance I conceive may be safely charged on the profits of the next year, and I therefore respectfully recommend that a dividend of 2½ per cent. be now declared. Weldon, Nov. 1838.

A. JOYNER, Treasurer.

The balance remaining in the hands of the treasurer at the last settlement, on the day of November, 1836, amounted to the sum of, Since which time the following sums have been collected:	\$8,374 18
From Portsmouth and Roanoke Rail Road Company for making embankment near the canal,	15
Interest on this claim,	
Hire of Negroes to Thomas Squiggins	
Interest collected of Thos. Squiggins	
Hire of Negroes to Wilton, Davis & Co.	3
Hire of Negroes to Jynner & Smith	
Tolls collected from 31st October, 1836, to 1st November, 1837,	\$5,680 11
Deduct commission paid for collecting tolls,	283 93
	\$5,396 14
Tolls collected at Danville Canal,	72 40
Water Rents,	275 00
	5,743 54
	\$18,543 43
During the same time the following payments and disbursements have been made.	
Payments to Stockholders on account of dividends,	5,526 75
Disbursements for debts contracted since, and outstanding claims at last general meeting,	
	3,851 75
	\$9,378 50
Balance remaining in hands of Treasurer	9,164 93
	\$18,543
That portion of the foregoing receipts by the Treasurer which belong to the dividend fund, is composed of the following items:	
Tolls on Roanoke canal,	5,396
" on Danville canal,	72
Water rents,	275
	\$5,743
To which add tolls previously collected at Danville and not yet appropriated,	116 66
Surplus remaining after declaring the 5th dividend,	360 84
	\$6,221 04
Aggregate amount of dividend fund,	
A dividend of 1½ per cent. on \$399,000, the present amount of stock owned in the company after deducting \$13,000 of stock owned by insolvent subscribers, and purchased by the company will amount to,	5,985 00
And will leave a surplus of,	\$236 04
Nov. 6, 1837.	
A. JOINER, Treasurer.	

IN SENATE, Dec. 26, 1838. [L.]

REPORT

ON

INTERNAL IMPROVEMENT.

The committee to whom was referred memorial of the the Internal Improvement Convention, lately assembled in the City of Raleigh, have had the same under consideration, and have given to the very important subject to which it relates, as mature a deliberation as the very short space of time allotted to them would allow. The committee regret that the late period of the session at which this memorial was presented may give to their deliberations somewhat the appearance of precipitancy. They are, however, consoled by the reflection that the subjects are not new: they have, each of them, at various times, occupied the attention of the people of the state, until a firm and settled conviction seems to pervade all classes of the community, that the time has arrived when the State of North Carolina can no longer, consistently with her character or her interest, delay embarking in a system of internal improvements.

The memorial before the committee was the result of the deliberations of a very numerous convention of individuals assembled from all parts of the State, and bringing with them the most satisfactory evidence of the great inconveniences and privations under which the people of the State labor, and calling upon the Legislature, as their duly constituted agents, to remove them.

This appeal reaches us in such an imposing form, it so surely speaks the wishes of a large majority of the people of the State, that, if so disposed, we can no longer disregard it, either in justice to ourselves or to the various interests we represent. We must, at all events; give some satisfactory reason why we will not aid in removing grievances of which all classes complain.

The committee do not deem it necessary at this time, to enlarge upon the great benefits which the people of the State would derive from a general and well devised system of internal improvements. They sincerely hope that no member of the Senate doubts that much can be done, by facilitating the means of intercommunication among the people, to improve their condition, and to place within the reach of the poorest, means of rational enjoyment, from which, at this time, they are utterly debarred by the difficulties and the cost of transportation.

Dr. Adam Smith, the author of the Wealth of Nations, observes, that good roads, canals, and navigable rivers, by diminishing the expense of carriage, put the remote parts of a country more nearly upon a level with those in the neighborhood of large towns, and on that account they are the greatest of all improvements. They encourage the cultivation of the remote parts, which must always be the most extensive circle

of the country; they are advantageous to towns, by breaking down the monopoly of the country in the neighborhood; and they are advantageous to all parts of the country; for though they introduce some rival commodities into the markets, they open many new markets to its produce.

That in all societies there should be found many who blindly adhere to the existing state of things, from an undefined apprehension of danger from all changes, is to be expected from the nature of men: thus we are told by the same author, in 1776, that fifty years before that time, some of the counties in the neighborhood of London petitioned the Parliament against the extension of the turnpike roads into the remoter counties. "The remoter counties, they pretended, from the cheapness of labor, would be able to sell their grass and corn cheaper in the London markets than themselves, and would thereby reduce their rents and ruin their cultivation. Their rents, however, have risen, and the cultivation has been improved since that time."

It is likewise said that the counties on the Hudson river, in New York, opposed the canal in that State, which has added ninety millions of dollars' value to her real estate, from the same narrow-minded and illiberal fears—fears which have been disappointed almost beyond belief; for the rich stream of wealth which has poured through this canal has fertilized every portion of the State. We have, however, in North Carolina, but little to apprehend from such jealous fears as these. Every portion of our State is suffering from the same cause. Those counties which are within sound of the roar of the sea, are barred from its benefits by narrow sand banks, which not only remove them miles from market, but add incalculably to their expenses of transportation. Hence it is, that every portion of the State is vitally interested in this subject.

Independently of the rapid accumulation of wealth which easy and expeditious modes of passing through a country always produce, they are likewise the great means of civilization. Africa owes its perpetual barbarism to the impracticability of penetrating the country, more than to its sterility. Nor could England, by her severe penal laws, civilize the inhabitants of the Highlands of Scotland until she cut roads in every direction through those fastnesses, and opened them to the light of civilization. Edgland and Scotland have no less than twenty-two canals running across mountain ridges, connecting the east with the west; and where but a century ago, the robber and the outlaw found shelter, commerce, with all its train of blessings, has established the abode of peace and contentment.

The want of these facilities for intercommunication, so essential to the refinement of society, is not peculiar to North Carolina. Although it is here felt in an eminent degree, it is, however, the misfortune of the whole south. We are rapidly becoming a nation of Arabs, who pitch their tents upon a spot and remain just long enough to exhaust its abundance and muddy its waters, and then fly in pursuit of fresher pastures. Patriotism or the attachment to the place of our birth, is a result of a high state of civilization, and is always the stronger in those minds where it is mingled with associations of an elevated and ennobling character.

In proportion as you give to the citizen a cause to be proud of his country, in the same degree you excite and cherish in his bosom those feelings of strong devotion to her fortunes, which have given to the world all its illustrious examples of patriotic heroism. Instead of those magnificent

monuments of human art which adorned the ancient world, it has been the boast of modern times to seek chiefly the useful and the beneficial; and measured by the standard of utility alone, the superiority of the moderns is most manifest; for it is said, with great truth, that the introduction of glass and linen has diffused more real comfort among the modern nations of Europe, than the Senators of Rome could derive from all their refinements of pompous and sensual luxury.

The general diffusion of a certain portion of wealth among the people is, moreover, indispensable to the perpetuation, as well as the rational enjoyment of freedom. Man, when condemned to hopeless and perpetual poverty, when he finds his daily toil fails to ensure a moderate portion of even the necessaries of life, limits his exertions to the supply of his daily wants, and, degraded by his privations, can only be stimulated into action by the commonest of motives, hunger and thirst.

It is then most clearly the duty of every Government that desires the happiness of the people, that aims at the character of parental, to aid, by every means in its power, their industry, and to remove all unnecessary obstructions from its free and efficient action. This is the very object for which Government was formed; and when, from indifference to the welfare of the governed, or from any other cause, it ceases to promote this object, it has failed in its end and design. This is most emphatically true of those governments which are called democratic. They are a part of the people and must after a few weeks, mingle with the great mass, sharing and participating their joys and their sorrows. If such a government as this does not sympathize with the sufferings and privations of their fellow citizens; if, restrained by any selfish motive, by any fear of the loss of popularity, or by the trammels of party, from acting, where action alone will ensure success, there is but little hope for the improvement of the condition of that people who are so unfortunate as to have committed their destinies to such guidance.

In a cause so glorious as the improvement of the condition of our common country, the government should not lag behind the zeal of the citizen; but placed like a sentinel upon the watch tower, it should be the first to give notice of the approach of danger; and what danger can more alarm the ardent lover of his country or the cool and cautious statesman, than to see towns sinking into villages, commerce leaving the shores it once enlivened, and the young and enterprising seeking a soil more congenial to their characters?

North Carolina has great agricultural and manufacturing capacities. She never can enjoy any very large share of foreign commerce. Nature has placed insuperable difficulties in the way of such aspirations. But, with proper encouragement, these two arts, which most effectually enrich nations, may here flourish, and spread contentment and plenty where now poverty and misery can alone be found. Agriculture and manufactures mutually assist each other, and it is impossible for either to be in a flourishing condition without communicating to the other some portion of its prosperity. The manufacturer offers to the farmer that market at home, in consequence of which numerous articles otherwise valueless become profitable to cultivate. The farmer ceases to labor, when the produce of his toil is valueless at home, or the cost of transporting it to the nearest market is equal to the price of his commodity. Let cheap and easy communications be opened into our interior, and wherever there is water power

there will be manufactories, and wherever the soil is not barren the husbandman will increase his exertions, when he finds the produce of his labor not exhausted in charges.

This view of the benefits of internal improvements is peculiarly worthy of the attention of the poorer classes of society. A community exclusively agricultural must always be poor. This is a truth more apparent in planting than in any other agricultural countries. In the planting States, an individual without land and negroes, finds but few avenues to wealth; and those of difficult and laborious access. The planter himself, although he may spend his days in abundance, finds the difficulty of providing employment for a numerous offspring his greatest care.

There is nothing in political economy better settled, than that division of labor is the great source of wealth to nations. Let the pursuits of a community be divided between agriculture, manufactures and commerce; and the man who is not born to the inheritance of paternal acres, will find a mine of wealth in his health, his skill, his character, and his industry; which, though they may not be adapted to one employment, will certainly find some congenial pursuit.

The committee do not propose indulging in general illustrations of the benefits of internal improvements to a community. They cannot, however, forbear reminding the Senate of the examples of New York and Pennsylvania. Pennsylvania has a State debt of more than \$28,000,000, of which \$22,000,000 was incurred for public improvements. The value of the works owned by the State is estimated at 23 millions; so that, if the State were disposed to sell her works at public auction, they would very probably bring one million of dollars more than they cost, without estimating the vast increase of wealth these works have created to the State at large. Previous to the commencement of the works, it was said by a distinguished statesman, that the wheat frequently rotted in the barns of the farmers in the interior of that State; and a large portion of the population of Philadelphia suffered from the want of bread and the want of work. The tolls paid on coal alone, which is transported on the Schuylkill canal, amounts to 24 per cent. on the capital stock of the company. And the Pennsylvania State works, which, although executed by the State alone, and at a cost of near twenty per cent. more than was necessary, yet they nearly paid, the second year after their full operation, six per cent. on cost.

New York presents a still more brilliant example of State munificence. The New York State Canals which have been completed and commenced, are 823 miles in extent, and will cost more than 18 millions of dollars. If to this be added the cost of enlarging the Erie canal, (now too small for the business,) it makes a total of 33 millions of dollars. about 13 millions of which has been paid; leaving 20 millions to be provided for. This State has loaned its credit to the Delaware and Hudson Canal Company, and authorised a loan to the New York and Erie Rail Road Company of 3 millions, making the total liabilities of the State \$36,800,000. The 340 miles of canals and rail roads constructed by incorporated companies, have a capital of \$7,485,000. Other rail roads and canals have been commenced by private companies, with a capital of about 17½ millions of dollars. This is the condition of New York, a State which, at the revolution, had no greater population than our own, and a territory not equal in variety or richness of productions. It is said the comparison does not hold good, because those States are richer than ours. But to what do they owe their

wealth? It is chiefly to these very improvements, which are objected to. Pennsylvania, particularly, has but little foreign commerce. She is almost exclusively a manufacturing and agricultural community. Even England, the most commercial people on earth, is said to owe most of her enormous wealth to coal and iron, of which our interior is full: but it will be always valueless, if the cost of transporting it exceeds the value of the article when it reaches a market.

The memorialists present to the attention of the Senate two great works, the completion of which would benefit very large sections of the State, and which they urge the State immediately to commence. The first in importance is the rail road from Fayetteville to the Yadkin river; the next is an outlet at the foot of Albemarle Sound. In urging the immediate commencement of these works, the committee do not mean to undervalue the claims to the favorable attention of the State of the fine Harbour of Beaufort. If North Carolina is ever to take rank as a competitor for the European trade, it can only be through the Harbour of Beaufort. The wants, however, of this section are not so pressing as to require immediate action; and the rail road from the Yadkin to Fayetteville is, likewise, in the line of that improvement, and may, at some future day, easily be carried to Beaufort.

For these reasons, the committee have concluded to recommend to the Legislature those works only which are of immediate and pressing necessity, leaving the completion of the plan to future Legislatures.

The reason why the attempts at internal improvement have hitherto been abortive in our State, is, that too much has been attempted with inadequate means. The committee have, therefore, selected such works as, in their opinion, would be most diffusively beneficial to the State; and with this view, they have reported several resolutions.

The first resolution recommends a guarantee of a loan by the Raleigh & Gaston Rail Road Company of \$500,000. This project cannot be classed with new and untried works, as it is nearly completed, and should be considered separate and apart from any new plans. The committee refer the Senate to the report and bill upon that subject, and recommend their adoption.

The second resolution recommends the subscription, on the part of the State, of four fifths of the capital stock of the Yadkin and Fayetteville Rail Road. It will be recollected by the Senate, that the last Legislature subscribed two-fifths of the capital stock of this company, provided three-fifths were raised by private subscription. It has been found impossible to raise three-fifths of the capital stock of so large a work in a country where surplus capital is so scarce as in any part of the State of North Carolina.

And even if there was a great deal of capital, seeking investment in North Carolina, it is no evidence of the inutility of a work that capitalists will not embark in it. In the South, capital can be made worth more than 6 per cent. and those who have it are generally reluctant to place it where there will not be an immediate return, or where there is any risk. Moreover, a rail road may be unprofitable to the stockholders, and yet immensely advantageous to the people generally. For instance, the cost of transporting 100 weight from the neighborhood of Salisbury will cost a farmer, in his wagon, 87 1-2 cents—by rail road it would not exceed 30 cents. Here is a great saving of money, exclusive of time. Hence it may be extremely proper and judicious for the State to embark in such improvement,

when it might be hazardous to the individual capitalist, who looks solely to individual gain from tolls. The committee recommend that individuals should be required to subscribe one fifth, as this will insure the attention of sufficient private interest to secure the economical execution of the work. Works of this magnitude have usually been done by the Government exclusively; but the committee recommend a sufficient union of local interest to secure the Government from imposition.

The fourth resolution recommends the opening of an inlet at the foot of Albemarle.

This is a work of great importance to the eastern end of the State, and one through which nearly all the waters of nineteen of the richest counties of this State and many of Virginia would find their shortest passage to the ocean. The committee have been surprised that doubts should still be entertained of the practicability of this work, which has been so often surveyed, and concerning which so much has been said. The numerous engineers who have surveyed it unanimously report in favor of the practicability of obtaining at least ten feet water at Nagshead, (all that a coasting trade wants) although they differ whether the benefits would be adequate to the costs.

It is the province of the engineer to decide whether a work can be executed, and what it will cost; it rests with the statesman and the people to decide whether they will be sufficiently benefitted to incur the expense. Let us examine what competent persons say of the practicability of the work.

The waters of Albemarle Sound, at this time, flow into Pamlico Sound, through Croatan and Roanoke Sounds. It is proposed, in order to open an inlet at the foot of Albemarle, where one originally existed, to run a dam across Croatan and Roanoke Sounds, which dam, by preventing the Albemarle waters from flowing into Pamlico, will naturally force them in another direction. The length of this dam in the water will be (including both sounds) 4 1-2 miles; the average depth of water in Croatan Sound is 7 feet; in Roanoke Sound, from 1 to 9 1-2 feet. The making of this dam, or embankment, which involves nearly the whole expense, cannot certainly be a work of any peculiar difficulty. The real question is, where will the water go, when it is excluded from Pamlico Sound. In investigating the operations of nature, when you have succeeded in finding the cause of any peculiar occurrence, you have advanced a great way in obtaining your object. One of the United States Engineers remarks, if you restore the original topography of the country, you will force the waters into the channel through which they sought the ocean before the cause existed.

Lawson, the earliest historian of North Carolina, remarks, "Roanoke Inlet has ten feet water; the course over the bar is almost west, which leads you through the best of the channel." At this time, 1701, there was a very narrow passage through those marshes which divide Albemarle from Pamlico, and which, by the gradual washing of the water, have since increased into the size of Croatan and Roanoke sounds. It therefore follows, from the above reasoning, as is said by Cap ain Bache, "that if the waters are confined to a single outlet to the ocean, (viz. Roanoke Inlet,) we have a right to anticipate even a better navigation than originally belonged to that inlet, when the passage between the sounds, though limited in size, still existed, as is shown by the earliest writers, who invariably speak of Roanoke as an island.

The committee are afraid they would swell their report into too great size, if they examined farther the opinions of the Engineers on the practicability of this work. They will conclude this branch of the subject by quoting the opinion of General Bernard, Gen. Grotiot, and Col. Totten, one of whom is considered the most skilful Engineer in the world. The report of Mr. Fulton upon Roanoke inlet was submitted to these gentlemen by the War Department for their opinions; and the following question was put to them: "Can the project be executed; and if so, will the passage remain unaffected seriously by storms and currents?" They concur generally with Mr. Fulton, and, in their reply, use these words: "Mr. Fulton proposes to extend a dam across Roanoke and Croatan sounds. The reasons he gives for preferring the places chosen are substantial." The reasoning of these gentlemen concludes thus: "There is, then, good reason to believe that if the embankments are once made, with sufficient solidity to resist the effects of the first violent storms, each succeeding year will contribute to their stability, and that time, which infallibly destroys most of the works of man, will here become an auxilliary of tremendous power."

As regards the importance of this work to the eastern section of the State, the committee refer the Senate to the memorial, with this additional testimony: Upon that subject, in 1850, a memorial was presented to Congress, from a body of very intelligent farmers and merchants residing in the eastern counties, who alleged, that upon \$2,025,586 worth of products shipped via Croatan Sound, there had been a loss, from obstructions, of \$151,469 93. It is but fair, then, to conclude, that upon the whole produce of that region, the entire loss is more than double.

The committee have, therefore, concluded that if the citizens of that section are willing to embark their private fortunes in the work, to the amount of two-fifths, it is of sufficient importance to a large and productive portion of the State, to justify the State's subscription of three-fifths. They, therefore, recommend the adoption of the third resolution.

The fourth resolution recommends the advancing of 150,000 dollars, the balance of the subscription to the Wilmington and Raleigh Rail Road, and the survey of a M'Adamized road from Raleigh to Greensborough; the reasons for which are amply set forth in the memorial.

The fifth resolution proposes to borrow \$3,000,000 by the State, to carry into effect the foregoing plans. The State of North Carolina is free of debt, and is possessed of a cash capital of more than two millions of dollars. It is proposed to leave this untouched, and to use the credit of the State. Should the Legislature conclude to borrow the sum proposed, it will be the introduction of \$3,000,000 of solid capital into the State, which will be spent in such a manner as to confer the most general benefit, and will be permanently domesticated among us. Moreover, it is an act of wise economy to borrow money at 5 per cent. which, when used in improving our resources, will at the same time yield a profit. The reluctance manifested by the people of this State to incur debt, is very creditable to their integrity. This feeling may, however, be carried to excess, and it certainly is with us. Where nothing is risked, nothing can be gained; and where a people refuse to borrow money to improve their condition, they must either remain stationary forever, or incur heavy taxation. The plan proposed would in the opinion of the committee render incalculable benefits to the State, and in all probability never draw one dollar from the pockets of the people; and if such an occurrence were to take place, the

ability of our population could meet the emergency. In 1813, North Carolina paid a nett revenue to the Federal Government of \$456,478; and can it be possible the people would, if required, hesitate to raise one third of the sum, when the money was to be spent exclusively for their benefit?

There are two kinds of consumption, productive and unproductive. It is productive when the farmer invests money in the improvement of his plantation, in the purchase of improved implements of agriculture &c.; it is unproductive when he wastes his substance in riotous living. It is thus, also, with nations. The consumption is productive, when the money borrowed is spent in making roads and canals, where they are useful "in replenishing the earth and subduing" it; it is unproductive when the money is wasted in foreign wars, or in useless magnificence. It is then that a public debt is a curse.

North Carolina has, moreover, in her swamp lands, a resource which, if judiciously managed, will give her a fund amply sufficient for all her wants. There are 1,500,000 acres of swamp lands belonging to the State, which, if drained, are worth from 20 to 50 dollars per acre. It is perfectly well known to many Eastern Senators, that the best lands in their county are the reclaimed swamps. These swamps comprise lands of enduring fertility, and well adapted to most kinds of productions.

It has been frequently asked, if so, why have not individuals reclaimed them? The reason is perfectly satisfactory to all those acquainted with that country: to drain such large bodies of land, was an enterprize vastly beyond the means of any individual.

The committee, for the above reasons, strongly urge upon the Senate the advantage of adopting the fifth resolution. It offers the only practicable mode of attaining our objects, a mode to which there exists but few objections, and those principally confined to the timid and over-cautious.

W. B. SHEPARD, Ch.

RESOLUTIONS.

I. *Resolved*, That it is expedient that the State guarantee a loan to be effected by the Raleigh and Gaston rail road Company, to the amount of \$500,000.

II. *Resolved*, That the committee on Internal Improvement be instructed to report a bill authorising a subscription, on the part of the State, of four-fifths of the capital stock of the Fayetteville and Yadkin Rail Road company, provided the remainder of the stock be taken by individuals, and the capital of said company does not exceed two millions of dollars.

III. *Resolved*, That the committee on Internal Improvements be instructed to report a bill authorising the subscription, by the State, of three fifths of the capital stock of the Roanoke Inlet company, provided individuals take the remaining two fifths, and the capital stock of said company does not exceed \$1,250,000.

IV. *Resolved*, That \$150,000, the balance due of the State's subscription to the Raleigh and Wilmington Rail Road, ought to be advanced immediately; and that a survey for a McAdamized turnpike road from Raleigh to Greensboro, via Hillsborough, be ordered.

V. *Resolved*, That it is proper that \$3,000,000 be borrowed by the State to carry the above objects into execution, and that a bill be reported for that purpose by the committee on Internal Improvements.

STATE OF THE MERCHANTS BANK OF NEWBERN, ON THURSDAY THE 29th OF NOVEMBER, 1838.

Gold and Silver	\$27,998 61		Capital Stock	\$225,000 00
Notes of Bank of United States	2,423 00		Notes in circulation	95,170 00
Do " Bank of Cape Fear	2,144 00		Deposites	34,025 07
" and checks Bank of the State of North Carolina,	8,898 94	\$48,476 55	Dividend No. 4 unpaid	200 00
Bills receivable	228,769 86		" " 5 just declared 3 per cent.	6,750 00
" Suspended	10,124 99	238,914 85	Profit and loss Net, after dividend	626 78
Bank of the United States	6,247 10			
Farmers Bank, Norfolk,	3,118 58			
Merchants Bank, Baltimore,	3,313 78			
Fulton Bank, New York,	39,560 03			
Bank of Cape Fear, Washington	512 68			
Bills of Exchange		46,732 19		
Real Estate		21,193 92		
		6,334 54		
		\$361,671 85		\$361,671 85

Of the above sum of Bills receivable of \$238,914 85
 There is due from Stockholders
 not Directors \$39,155 00
 And due from Directors 1,875 00
 \$41,030 00

MERCHANTS BANK OF NEWBERN,
 December 4th, 1838. }
 D. W. COURTS, Esq, Public Treasurer,
 Sir—The above exhibit of the affairs of this Bank is herewith
 transmitted to you for the General Assembly, in conformity with
 its Charter.
 With great respect your obedient servant,
 SAMUEL SIMPSON, President.

STATE OF THE "BANK OF THE STATE OF NORTH CAROLINA," NOVEMBER 24th, 1838.

Bills and notes discounted,	\$1,963,304 40		Capital stock,	\$1,500,000 00
Bills of exchange,	601,619 70	\$2,575,214 19	General profit and loss,	\$253,746 49
Real estate		37,197 68	Contingent fund,	15,000 00
Pension office,		228 47		268,746 49
not from banks &c.			Treasurer of the U. States,	346 00
" Merchants Bank New York,	29,150 64		Do for post office Dept.	353 99
" Fulton	25,540 74		PENSION OFFICE.	
" Bank U. S. Philadelphia,	23,814 13		Invalid pensions,	11,641 23
" Merchants Bank Boston,	20,961 10		Revolutionary pensioner,	2,317 89
" Merchants Bank Baltimore,	7,653 18		Pensioner under act 1825	314 57
" Bank Metropolis Washing-			1832	1,922 38
ton City,	649 77		1830	8,943 83
" Bank of Virginia Peters-	10,609 23			25,229 92
burg,	9,634 20		Public Treasurer of N. Carolina	32,169 78
" Bank of Virginia Norfolk,			due to banks.	
" Planters and Mechanic's	6,736 81		Farmers Bank Petersburg,	\$59,267 36
Bank Charleston,	4,020 00		Do Norfolk,	8,541 94
" Charles Edmondston, do		139,499 82		65,828 70
NOTES OF OTHER BANKS.			Exchange Bank do	\$200 00
" Bank U. S.	1,925 00		Do Petersburg,	1,616 84
" Virginia banks,	19,090 00			2,416 84
" South Carolina,	6,160 00	41,167 00	Bank Cape Fear Wilmington,	23,509 25
" North Carolina,	12,230 00		Fayetteville,	13,525 67
			Washington,	180 10
SPECIE.			Raleigh,	21,146 26
Silver,	330,440 07			63,660 44
Gold coin	161,633 53		Union Bank La. New Orleans,	13 00
Bullion,	9,774 47		Bank of the State New York,	784 16
Branch mint certificate Charlotte	10,771 51		Mechanics Bank Philadelphia	677 35
Cent,	182 32	612,773 53	Mechanics Bank New York,	1,690 18
		3,840 00	Bank U. S. agency, Fayetteville,	1,305 23
Vouchers adjusted,		9,924 22		138,556 50
Bills and checks in transit,		\$3,321,263 02	NOTES IN CIRCULATION.	
* Due by Directors,		55,680 00	Issued by principal Bank,	200,059 00
do by Stockholders not Di-		69,783 21	" by branch Newbern,	123,322 00
rectors,		\$2,436,750 93	" " Tarboro'	232,967 00
do by other individuals,			" " Fayetteville,	238,810 00
			" " Wilmington,	190,535 00
			" " Elizabeth City,	1,638,918 00
			Dividends unpaid,	1,679 75
			Individual deposits,	205,273 49
				\$3,321,263 92

C. DEWEY, Cashier.

State of the Bank of Cape Fear on the evening of Wednesday, 21st day of November, 1838.

Capital Stock	\$800,000 00		SPECIE		193,877 00
Increase Capital	575,750 00		Due by Merchants Bank, New-York	\$51,884 00	
Notes in circulation, issued from principal Bank	900,032 00		" " Phoenix Bank do	1,435 00	
Deposites	190,949 00		" " Seventh Ward Bank do	3 00	
Dividends unpaid	1,634 00		" " Bank of New-York	38,118 00	
Due to Farmers Bank, Virginia	\$3,278 00		" " Bank United States, Philadelphia	93,423 00	
" " Mechanics Bank, New-York	869 00		" " Bank of North America, do	9,007 00	
" " Tradesmans Bank do	3 00		" " Farmers and Mechanics Bank, do	219 00	
" " Mercantile Bank, Newbern	9,835 00		" " Union Bank, Boston	20,829 00	
" " Bank of State of N. Carolina, & Branches	621 00		" " Massachusetts Bank	6,160 00	
" " Bank of Virginia, Petersburg	1,294	17,900 00	" " Merchants Bank, Baltimore	1,453 00	
Profit and Loss		79,411 00	" " Bank of Maryland	2,731 00	
		\$2,025,606 00	" " Bank of Virginia	17,511 00	
			" " Bank of Metropolis	958 00	
			" " Planters and Mechanics Bank, Charleston	26,110 00	
			" " Merchants Bank of South Carolina, Cheraw	2,600 00	
			" " Bank of State of Alabama, Mobile	9 00	
			Foreign Exchange, bills accruing	67,915 00	310,042 00
			Notes of other Banks, on hand		70,485 00
			Due by Bank of State of N. Carolina, & Branches		76,476 00
			" " Merchants Bank of Newbern		8,298 00
			Real Estate		87,174 00
			Debt		1,840,347 00
					\$2,025,606 00

J. D. JONES, President.

Of the above sum of \$1,840,347, there is due by Stockholders.
 not Directors \$106,374
 Directors 148,969

JOHN HILL, Cashier.

STATE OF NEW YORK

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 The "Lithic of Lake Fort

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Of the above sum of \$1118 receivable of \$238914 87

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[No. 13.]

MEMORIAL

OF THE

INTERNAL IMPROVEMENT CONVENTION,

TO THE

GENERAL ASSEMBLY

OF

NORTH CAROLINA,

AT THE

Session of 1838—and ordered to be printed—ten copies for each Member.

RALEIGH:

THOS. J. LEMAY,

Printer.

MEMORIAL

GENERAL ASSEMBLY

NORTH CAROLINA

RECEIVED

THIRD JUNE

1851

MEMORIAL.

To the honorable the General Assembly of North Carolina:

The undersigned have been deputed a committee to present to your honorable body a memorial, expressive of the views and wishes of a large and respectable portion of your fellow-citizens, recently assembled in the City of Raleigh, in Convention, upon the important subject of improving the internal condition of the State. In the discharge of this duty, we feel well assured of receiving a favorable hearing, as well in respect to the numerous and patriotic body whose views we are especially charged to present, as from the subject, which addresses itself so powerfully to the Representatives of the people, to whom has been committed the high trust of guarding the interest and advancing the prosperity of our common country.

What is the present condition of the State? What its means for improvement? And in what way are these means to be most effectually applied? These are the interesting questions to which we have been directed most respectfully to invite your attention; and which, as your memorialists humbly conceive, are of such high public concernment. In examining into the condition of the State, whether we advert to the past or view the present, whilst much may be found to warm the breast of the patriot, there is but little to gratify the pride or to stimulate the enterprise of the citizen. We may indeed proudly boast of the exalted character of the nation, and claim for our citizens the most devoted attachment to the Union of the States; that there has been engrafted into our own constitution those principles of rational freedom, the soundness of which has been so fully proved in the success of that representative system which constitutes our pride and boast as a nation—conferring a degree of freedom on the governed unknown in the old world, and securing to industry its rich reward—peace and plenty; that the increase of our population, agriculture, manufactures, and advancement in the arts and sciences, and in civilization, have been rapid beyond all example; that these national blessings inspire confidence as to the high destiny of the Republic, and call forth sentiments of gratitude to the Supreme Disposer of all events. But whilst we may thus boast of our rapid advancement as a nation, we regret to say, our own State shares but little in this general prosperity. To prove this, facts must be submitted, however mortifying to your pride, or painful to our feelings. In the apportionment of Representatives among the States, under the first census, North Carolina and New York were equal, each having ten members. What is likely to be our rank in comparison to New York, under the census soon to be taken, embracing a period of fifty years? Sho

will have exceeded her forty members, whilst our State will remain or barely exceed her original ten. What a startling contrast! Yet, in point of territory, North Carolina has her fifty thousand five hundred square miles, whilst New York only exceeds it by two thousand one hundred and twenty-five. At the first period, our population was nearly equal; whereas, at present, she will exceed two million, whilst ours will be but a fraction beyond seven hundred thousand. Yet this immense difference is not to be ascribed to our climate or soil, but in part at least to the rapid tide of emigration. There, every thing has been done to improve the condition of her people—here, our citizens have gone, with the Bible, Encyclopædia, and the axe, those pioneers of civilization, to give population and character to the wilderness of the West. In this way, more than half a million of our people have left the place of their nativity, and carried with them wealth, talent, and enterprise. It may gratify our pride to be told in one Congress, there were nine Senators, native born citizens of North Carolina; yet the fact only proves how much we have lost, by failing to render our people prosperous and satisfied at home.

We might pursue this inquiry still further, and examine into the rapid growth of our sister States; but we flatter ourselves that you—as we feel assured every patriotic citizen—to the question—whether the State shall remain in her present condition?—are prepared to reply most emphatically, no! If so, this brings us to the second inquiry, an estimate of the means of the State.

STOCKS.	In the Bank of the State,	\$500,000
	In the Bank of Cape Fear,	520,000
	In the Buncombe Turnpike,	5,000
	Roanoke & Cape Fear Navigation Companies,	82,500
	Wilmington and Raleigh Rail Road,	600,000
	Bonds for the sale of Cherokee Lands, in 1838, and of a prior date,	350,000

The cash balances in the Public Treasury are not included in the above estimates, as they may be required to meet current expenses and other necessary appropriations. The State, then, has a capital of more than two millions, vested in productive stocks and in bonds on interest. It is true, a part of this sum is pledged as a Literary Fund; but it is equally true, we presume, that no part of the principal of this fund is to be used, and that it will continue to increase, until the interest accruing on it may be called for, in purposes of education and of free schools. The state is free from debt, and has a credit supported by her natural resources and the habits and manners of her citizens. The taxable property of the state may, as the committee think, be estimated at near 200 millions of dollars. She comprises 32 millions of acres of land, which may be estimated at two dollars the acre—she has 300,000 slaves, which may be valued at three hundred dollars each, besides the private stocks, merchandise, and other property subject to taxation. But it is not proposed to resort to taxation, nor is it necessary to carry out the views

and plan of those in whose name we have been authorised to address you. These matters are merely referred to to show the ability of the State, and the ample means she has to sustain that credit which it is proposed to bring into market.

Having shown the condition of the State, the necessity and demand for a change, and the means for effecting it, your memorialists are brought to the interesting question, as to what is best to be done? In answer to that question, we have to present to you that plan or system which was the result of the anxious deliberations of those in whose behalf this memorial is presented. No higher evidence could be given of the actual wants of our people, and of the demand and necessity for something to be done, than in the voluntary congregation of that assembly, whose wishes and opinions we have been directed to make known. A body comprising near 200 delegates, selected from forty counties, men of character, of intelligence, and of wealth, voluntarily obeying the call of their country, argues a deep distress in the community, and a loud demand for its remedy. The strifes and struggles of party have been silenced, and the voice of patriotism alone has been heard, invoking you to action. It is the first and dearest privilege we enjoy as a free people, that by the fundamental principles of our government, every plan for changing our condition and promoting our happiness and prosperity, both in choice and execution, must originate with or be sanctioned by the people. The plan, then, which we have the honor to present, originated with a large portion of the people, and claims your most liberal and attentive examination. Your memorialists shew, that after a week of earnest and anxious consideration, the Convention agreed upon a plan which is embodied in a series of resolutions herewith submitted, and annexed to this memorial. The Convention came to the conclusion, with great unanimity, that all the works mentioned in said resolutions were of a great and useful character, and constitute a system of improvements which, if begun and successfully prosecuted, would eminently conduce to the prosperity of the state, both as increasing the common wealth and in elevating and confirming its moral and political character.

Of the merits of the general system recommended, it is proper to say, whilst there existed a difference of opinion as to the grade or class of the respective works, yet there was none as to their eminent utility and meritorious claim to the aid and patronage of the Legislature. But the Convention was admonished, as all must be, by past experience, that the works proposed must be brought within the available means of the State, or all would fail. Hence the necessity and expediency of a classification. In this, too, they were following the example of the national Legislature, in their works of Harbors and Fortifications. What the nation could not accomplish with its ample resources, it was not to be expected a single State could effect, with its limited means, though confined to works within her own borders. Here then collision begins, here is the

danger of failure, and here the demand for disinterested and enlarged patriotism. Hence it is deemed important that your honorable body should be fully and candidly informed of the reasons and views, which influenced the Convention in recommending certain works for prompt and immediate execution. Let them not be charged with selfishness or with local preferences, but remember the difficulty of the subject and the necessity for action.

1. A guarantee by the State of five hundred thousand dollars to the Gaston and Raleigh Rail Road. This is not a subscription or a loan, and does not call for any expenditure. It is a mere loan of the credit of the State, upon such surety as the Legislature shall require to enable the company to obtain a loan on better terms than they otherwise could do, and thus be enabled to complete their great work. This favor appeared so reasonable in itself, as to meet with but little opposition. It is deemed due to the liberal spirit of those enterprising citizens who had been willing to risk their own fortunes in so great a work. It also recommended itself to the convention, as a work penetrating to the capital of the State, there to be connected with other works, and accommodating many of our citizens in the transportation of their produce to market. Having already received the favorable action of a committee of both branches of your honorable body—more is not necessary to be said.

2. A subscription by the State of *four fifths* of the capital stock of the Fayetteville and Yadkin Rail Road. This is one of the great works in the general system, and may be considered as standing at the head of those recommended in the first class. In regard to this work, the Convention had certain data, both as to its necessity, its importance to a large portion of the State, its policy as sanctioned by a vote of the Legislature and of the people, and certainly as to the cost of its construction. As to the work itself—it is to connect the East and West; to commence with a home market, from the banks of a river, rising and terminating within our own limits—to be extended for the present to the Yadkin, a stream which passes through a productive and populous section of the country, and whose product must be carried to a distant, foreign market, unless this great work shall succeed. As early as 1815, the idea of connecting the waters of the Yadkin with that of the Cape Fear, received the favorable action of the Legislature. But unfortunately the geological structure of the intervening country, presented difficulties not then to be surmounted by a Canal, with the limited means of the state. Those difficulties disappear, however, before the mighty engine of steam. The actual extent of internal communication, by means of rivers and roads, which directly or indirectly connect itself with this road, cannot be estimated at less than thirty counties, embracing at least 15 millions acres of land, and probably much exceeds that quantity. Thus will the occupants of moderate sized farms be enabled to make outfits for market in their own vehicles, and for which the power of a single

horse will be quite sufficient to reach some depot on the main route. Also in securing, what every farmer in the country will know the value of—a much smaller portion of time in the accomplishment of the object. For it is to be remembered, the great advantage of rail ways, over all other means of conveyance is the saving of time, the annihilation of space. *Time is money*, and the attainment of greater speed and certainty, amounts in effect, to a reduction of expense. The advantages of a more speedy conveyance, are often of greater value than the whole charges of transportation, and those advantages can never be so fully realized, as by the use of railways. These are a few of the rich advantages, which are to be extended to so great a portion of the people of our state, by means of the proposed route. This produce is first to be brought to Fayetteville, whose capital will increase, as calls may be had for its employment. Where prices may be now considered low, they will rise by demand and competition to the highest rates. It is then to descend to Wilmington by means of Steam Boats, whose number will also multiply as has been the case on the Ohio and Mississippi. From thence it finds its way to foreign markets, through Cape Fear Inlet, which, if not the best, has its advantages. The tables annexed, show the tonnage employed in the foreign trade, entered and cleared at Wilmington from October 1836 to October 1837—also the tonnage employed in the foreign trade of the ports of Norfolk, Petersburg and Richmond for the same time, as taken from the report of the Secretary of the Treasury.

From these tables it appears, that in the year 1837, the tonnage entered and cleared in the foreign trade from Wilmington exceeded that of Norfolk 6384 tons, and exceeded both the ports of Richmond and Petersburg together 17,694 tons. We are informed, on high authority, that the coasting trade of Wilmington employs a greater tonnage than her foreign trade. We have not the means of ascertaining its actual amount, as it is not reported. If this be true, and we believe it to be so, not only on the high authority from which we received it, but because we know the maritime trade of N. Carolina is principally a coasting-trade—it would follow, that the tonnage employed in the trade of the port of Wilmington is greater than the three great ports of Virginia, Norfolk, Richmond, and Petersburg.

The Port of Wilmington possesses two advantages over most of the other ports in the United States, which cannot fail to be highly estimated. 1. It is a *fresh water* port, and vessels are exempt from the destruction to their bottoms (unless coppered) occasioned by the salt water waves. 2. It furnishes the most miscellaneous cargo of domestic products of any port in the Union. All kinds of bread stuffs, rice included; naval stores of every kind and of the best quality; lumber, the very best in the world; staves and heading; cotton, whiskey, &c. &c. &c. So that vessels can supply themselves with a cargo from that port, that cannot fail to suit some

market and make a profitable voyage. Again—that steamboats have been plying on the Cape Fear as high as Fayetteville for the last 20 years; and we are assured that no serious accident has ever occurred during the time. Like other rivers in the South, its navigation is suspended in the summer months; & so is the great Ohio. We learn that the navigation of the Ohio, from ice and drought, is suspended, on an average, six months in the year; whilst that of the Cape Fear is suspended not more than four and a half months, and that at a season when the crop is not ready for market. Such are the advantages of the Cape Fear Inlet, under circumstances as they now exist.

We have said the policy of building this rail road has been sanctioned by the Legislature and the people. We have only to advert to the fact of the incorporation of the company and a subscription of two-fifths, under the authority of a law of your last session. Has a single member been ousted of his place in consequence of the vote thus given? As far as we know, or have reason to believe, not one.

But we are here met with the objection, the plan proposed changes the subscription by the State from two-fifths to that of four-fifths: why this change? The answer is to be found in the fact, that unless it is made, the road cannot succeed. A survey and estimate have been made, under the direction of the most experienced Engineer in the United States—a North Carolinian, feeling for his native state all the ardor and zeal of a most devoted son—from which it appears, to construct the work in the best possible mode and in the way which meets his sanction, would cost TWO MILLIONS of dollars. To raise two-fifths of this sum, by means of private subscription, has been found impracticable. But should the subscription of the State be changed, as proposed, we are well assured the amount will be most certainly taken by individuals. This is recommended not only from the magnitude of the work, its accommodation for such a large portion of the state, but from the further fact, it is to constitute one of the connecting links, the great trunk, in which others are hereafter to share. These with the Convention were held conclusive facts and reasons to justify the change.

3. The incorporation of a Company for the opening of an Inlet at the foot of Albemarle Sound, near Nagshead, and a subscription by the state of three-fifths of its capital stock.—This work was deemed by the Convention of the highest importance, from the fact of so many of the rich counties in the north-east part of the state being directly interested in its success; from the quantity and quality of the produce which would find a market through it; and from the fact that it has been long pressed upon the notice both of the national and state Legislatures. Albemarle Sound runs in a direction east from the conflux of its head waters, the distance of some eighty miles, and at its eastern extremity is separated from

the ocean by a narrow strip of sand bank, some hundred yards in width. It is navigable within four or five miles of the ocean, where its waters separate into the Roanoke and Croatan Sounds, and change its direction nearly south. Roanoke Island is between them. These two sounds unite again, and some twenty-five miles from the point where the current of the Albemarle changes from an east to nearly a South course, they enter the Pamlico Sound. From the north-eastern extremity of the Pamlico is, fifty miles distant, the Ocracoke Inlet, the only navigable one for vessels suited to the coasting trade. It is proposed to throw a dam or other construction across the Croatan Sound, and thus force the waters of the Albemarle to break their passage through the bank at its foot into the Atlantic ocean. It is estimated by intelligent seamen accustomed to the navigation of this coast, that through the proposed inlet, double the number of voyages may be made as are now through that at Ocracoke. It has been estimated by a member of the Convention, that the 12 counties in North Carolina, nearly all the produce of which seeks its market through the Albemarle, export not less than from four to six million of dollars annually. This produce consists of corn, cotton, wheat, fish, peas and an immense amount in naval stores and lumber. These articles are nearly all of such bulk as to forbid a deposite between the place of production and sale. Hence the importance of its being received from the wharves and rivers of the producers and carried at once to the ocean for its final destination. To the fishing interest the success of the work is of peculiar importance, as the annual tribute from abroad for this article alone is estimated by gentlemen from that section of the State at \$300,000. This work has also been examined and estimates made, under the authority of an Engineer of the State and of the United States. They differ greatly as to the cost, which may be owing to the material and the manner of constructing the work. But however uncertain this may be, the people in that section of the State, it is said, are willing to risk their own capital in its success, and think a subscription not exceeding 500,000 dollars by the State, would render it certain. If so, the Convention was of opinion it should be granted.

4. The payment by the State of the balance, 150,000 dollars, of its subscription to the Wilmington and Raleigh Rail Roads ought at once to be made. The Convention came to this opinion as an act of justice to the very liberal and spirited exertions of the private subscribers, in having risked so much on their part for so great a public work, and from the certainty as well from the progress made, as the high profits expected, that the work must and will be finished. The prompt payment cannot injure the State, and will greatly aid a spirited portion of her citizens.

5. The survey of Neuse and Tar rivers, with the view to steam boat navigation, and if found practicable, that the Board of Internal Improvements be authorized to contract for effecting it. Those rivers are the property of the State, the charters granted for their improvements

having been long since forfeited. It is proper then that the surveys should be had at the expense of the State, as due to her citizens, who will use them for their produce, as well as from the fact that one of these rivers is so directly connected with the prosperity of one of its markets, Washington, which has heretofore been sustained with so much spirit, but which has recently suffered so severely by fire; whilst the other leads to an old town, which has many claims on the liberality of the State, besides its direct connection with the great rail road in which the State has so deep an interest.

6. A survey from Raleigh, *via* Hillsboro', to Greensboro', with the view to a McAdamized Turn Pike Road, a company and a subscription of two fifths by the State. This route is recommended from the fact that it is to take the main line of travel from the seat of Government to the western Counties in the State; that it passes through two among the largest and most productive Counties in the State, whose people are farmers, deal principally in the necessaries of life, own their own vehicles, accustomed to their use, and without this road can share but little in the direct advantages of Internal Improvements. Besides, it is for the present to terminate at one of the most flourishing inland towns in the state, Greensboro', which has its flourishing schools, its steam mills, cotton factories, and in every way its population is both active and enterprising. A cheap and speedy mode of reaching a market, as we learn, would often enable the enterprising proprietor of her cotton factory to send the product of his establishment to the city of New York, and realize a profit of two or three cents on the pound. This profit would not operate to his advantage alone, but to that of the grower of the raw material. The proposed survey would cost but little; and the road, if McAdamized, would not likely exceed, according to the estimate of the Board of Internal Improvements, \$3000 per mile, and a part of it, possibly one half, would be an ordinary turnpike, the cost of which would not exceed \$200 to 300 per mile. The road in justice ought to belong to the State, except that experience has shown, to construct and keep up such works, calls for individual interest and attention; otherwise they constitute a continual drain on the public treasury, and end in ruin. From this line a branch might hereafter be extended, with great propriety, to some cli-point on the Dan river; and thus give to the people in that fertile region the means of reaching, if so inclined, the markets of their own state.

Such are the works as placed in the first class of the plan proposed by the Convention—such are some of the views and reasons which influenced that body in recommending them. If any one should object, that his work ought to be placed on equally favorable ground with the most favored class, he should pause, consult the means of the state, and then ask himself, "if such a plan had been adopted but five years ago, would not my wishes now be gratified?" Time marches rapidly; and a few years, as we trust, will serve to bring into operation the whole scheme, and others, if their claims and advantages shall hereafter be disclosed and properly pressed.

SECOND CLASS. These, as will be seen, contemplate a connection with the two great rail roads now in progress, as well as with the proposed road from Fayetteville to the Yadkin. The Beaufort Road, leading from the fine harbor at that place, is the most important from that fact, as another outlet will be thus opened to the ocean, and the produce of the upper country will then find additional means of being shipped to any portion of the commercial world. The inlet at Beaufort is said to be not only the best in our own state, for its depth of water, having from 22 to 24 feet on its bar, but it is not to be surpassed by any other from the Chesapeake to Pensacola. Why then, it may be asked, was not its rail road placed in the first class? The answer, to a majority of the Convention, was plain and satisfactory. It has no produce, no capital—these must be brought from a distance. One great trunk in connecting the east and west, was deemed sufficient. A road from Beaufort to Raleigh, and thence to the west, had been authorized, and it totally failed. The Convention had no reasonable grounds to believe that it would prove more successful at present. Two connecting roads were too expensive to be undertaken at the same time by the state, and her true policy forbade it. Hence, the one from Fayetteville was selected as most likely to succeed—as required by the pressing demands of our western citizens—as leading to markets in which capital is already employed, and as having an outlet that might answer present demands. Again, when the western road shall reach Fayetteville, you are still on the descending line, and from thence may be carried to Beaufort. Such, it is believed, will be the quantity of produce from the upper country as will hereafter force itself to the best market. In this way, what the friends of Beaufort cannot do for themselves, will be done by others.

The Loan of three millions to be contracted by the State. It has been already shown, in estimating the funds of the state, she has upwards of two millions invested in a way, whilst they will prove productive, are not likely to be embarrassed or squandered. By the system proposed, this fund is not to be touched, but to be held as a guarantee to sustain the credit of the state in the negotiation of a loan, and a surety to her own citizens against any contingency which may arise. The maximum of the loan is three millions; and the money, when borrowed, will be mostly expended amongst ourselves, and for it the state will hold certificates of stocks which will be productive, and will in themselves constitute an additional surety against any future calls upon her own citizens. These stocks can at any time be brought into market, and thus relieve the state against any pressing embarrassment. The debt will be postponed to a future period; the works will progress; the burthen will be divided between posterity and ourselves; and in this way the estate which our children are to inherit will be improved, our own condition relieved, and means provided for them to meet the claim which has been entailed in order to its improvement. This accords with the most rigid principles of justice, prudence, foresight, and economy. The

estate is fast going to decay; our people are not in a condition to make the necessary repairs and to improve it, without a resort to loans. This state of things has not been brought about from any want of frugality in our expenditures; of forbearance in contracting debts, or from any extravagance or want of system in the proper and judicious management of our domestic concerns. At no former period in the pecuniary affairs of the state, has there been less extravagance, and yet at no period has it been found more difficult to keep free from embarrassment. The evil is to be found not in any passing events, but in the want of a proper encouragement to the products of our soil, and in the fact that our most wealthy and enterprising citizens are driven to more genial climes.

If we look to our sister States, most of them will be found in the march of improvement, and their citizens contented and happy. Yet, they have resorted to loans; and experience proves, so far from ending in injury to the people, they have the more rapidly advanced to wealth and prosperity. And this too, without any resort to taxes; the profits from the works having been quite sufficient to meet the interest and provide a fund for the payment of the principal. South Carolina has but recently subscribed one million to her great rail road, guaranteed the loan of two millions more, and by way of relief to her favorite city from a heavy calamity, added two millions more to her debt. But we forbear to press this matter further, as it is idle to talk of embarrassing the State by contracting a debt of three millions of dollars.

If our forefathers, with not half of our means, limited as they are, when dissension, faction, and treason lurked in every neighborhood; when the property of the citizen was liable to seizure by the enemy and to wanton destruction by the traitor, when the assassin beleaguered his path by day and threatened his repose by night; if, at such a time, and under such circumstances, that band of patriots could bear up for a period of seven years, under a debt of seventy five millions, let us not talk of embarrassment by the sum proposed, having, as the State has, the ability to raise it without a resort to taxation. The only question that can admit of discussion is, not the ability of the State to raise such a sum without prejudice to her citizens, but whether she, in her sovereign capacity, shall engage in a system of this kind at all. And can we, at such a period as this, with all the light of experience before us, be seriously called upon to discuss such a question? Will you leave these matters to individual enterprise, when every State in the Union has undertaken the system with so much success? At the close of the memorable struggle to which we have just referred, North Carolina had her territory and her population. Her territory still remains—Mecklenburg, Moor's Creek, King's Mountain, and Guilford are landmarks which time cannot raze from the page of history. But where is her population? Where the monuments of her improvement? Her population is fast leaving her, and her monuments, we fear, are only to be found in the record of things past.

Is this state of things to continue? Or are we ever to be roused to action? It is much to be feared, if you shall separate without doing

any thing, the cause of internal improvement will have sustained a shock from which it will be difficult to recover. The patriotic feeling which now warms and animates the citizen will become chilled by your apathy. It is our part, in the name of a respectable portion of the people, to advise; it is for you to act. By rejecting the plan proposed, and doing nothing, you may seal the fate of internal improvements. By acting, you incur no risk that can, in any reasonable probability, embarrass the State. But you stay the tide of emigration, now draining the life-blood of the commonwealth; you stimulate the farmer to new exertion and improvement; you invite the capitalist to open the rich bowels of the earth and to bring forth its hidden treasury of iron, copper, and coal; you every where encourage the mechanic and the man of enterprise; you open new streams of wealth, running in different directions, in different dimensions, and at different heights—but watering, adorning, and fertilizing the fields and meadows through which their courses are led. Again, we ask, can you hesitate? We tell you the spirit for improvement is abroad in the land—that it invites you to awaken to the true interest of the State—to burst the shackles of a jealous and short-sighted policy—to rise triumphant over physical obstacles and the still stronger mounds of local prejudice—and by your action to elevate our beloved State to her proper rank as one of the political members of this great confederacy, and let her shine with a new light amid the stars of our national galaxy.

R. M. SAUNDERS, *Chairman.*

JNO. H. BRYAN,

LOUIS D. HENRY,

L. H. MARSTELLER,

HUGH McQUEEN,

JAMES ALLEN,

T. L. CLINGMAN.

December 20, 1838.

RESOLUTIONS OF THE CONVENTION.

1. *Resolved*, That the Convention concur in the report of the General Committee, that the several works of Improvement therein recommended deserve the patronage of the State, and ought to be effected.

2. *Resolved*, That in order to carry out the views of the Convention, and at the same time, to accommodate them to the means and ability of the State, a loan of three millions of dollars ought to be contracted.

3. *Resolved*, That in the prosecution of these several works, the Convention recommend the following classification:

FIRST CLASS.

1. A guarantee by the State of five hundred thousand dollars to the Gaston and Raleigh Rail Road Company.

2. A subscription by the State of four-fifths of the capital stock of the Fayetteville and Yadkin Rail Road Company.

3. The incorporation of a Company for the opening of an Inlet at the foot of Albemarle Sound, and a subscription by the State of three-fifths of its capital stock.

SECOND CLASS.

1. A Rail Road from Beaufort Harbour to connect with the Wilmington and Raleigh Rail Road, and a subscription by the State of four-fifths of its capital stock.

2. A Rail Road from Raleigh to intersect with the Wilmington and Raleigh Rail Road, at or near Waynesborough, and a Rail Road from Raleigh to Fayetteville, and a subscription to each, of two-fifths of the capital stock by the State.

4. *Resolved*, As the opinion of the Convention, that the balance of the subscription by the State to the Wilmington and Raleigh Company ought to be paid without delay; that surveys of Neuse and Tar rivers, with the view to Steam Navigation, and the survey of a route from Raleigh *via* Hillsborough, to Greensborough, in Guilford County, with the view to a McAdamized Turn Pike Road, ought to be made by the State; and if the said rivers should be found such as to justify the use of Steam Boats, the Board of Internal Improvements be authorised to contract accordingly. And that a company be incorporated for the construction of the said road and a subscription of two-fifths of its capital by the State.

WILMINGTON TONNAGE ENTERED AND CLEARED.

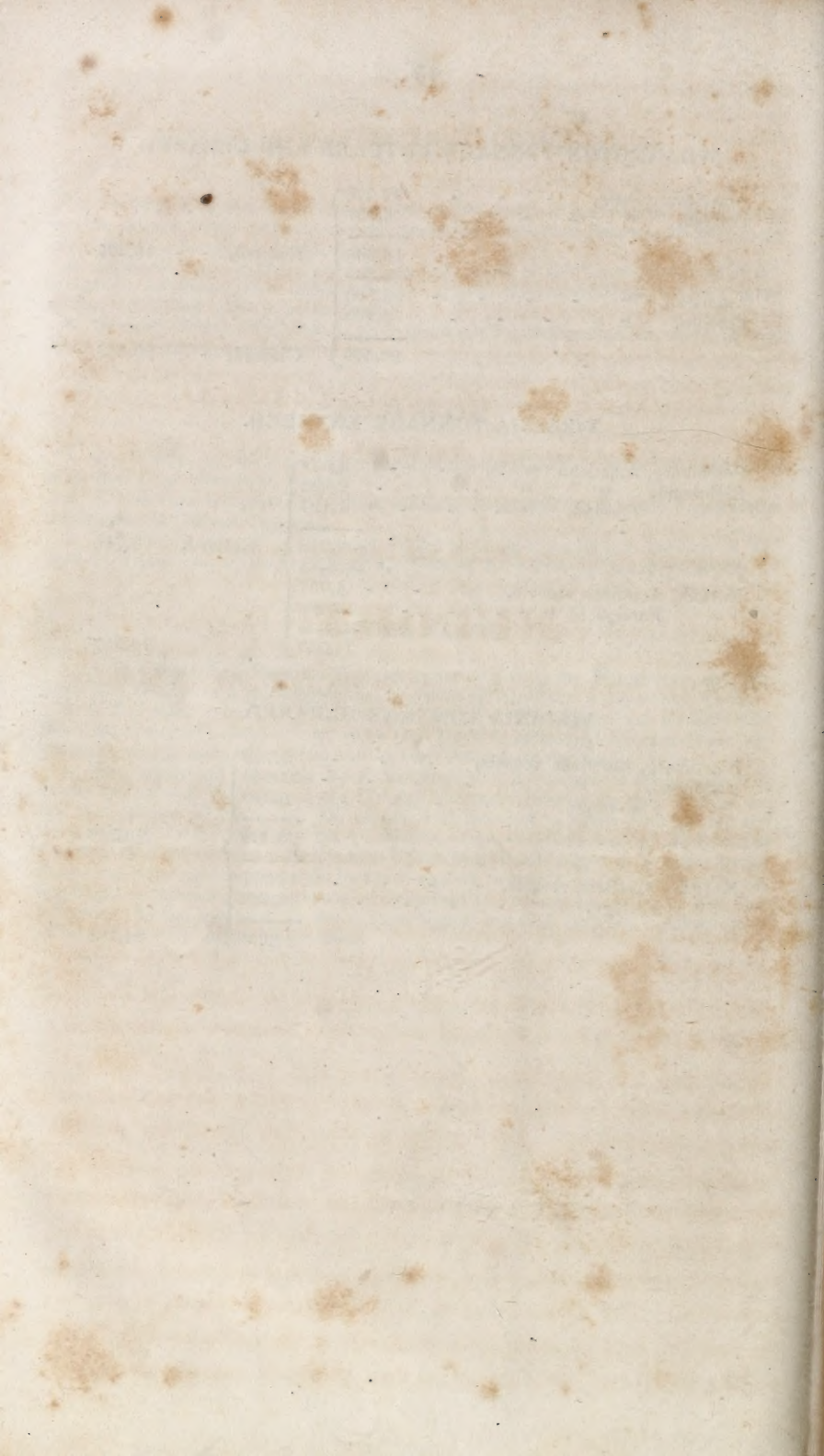
American vessels,	-	-	-	12,378	}	Entered, - - 16,205
Foreign, " - - -	-	-	-	3,827		
				<u>16,205</u>		
American, " - - - -	-	-	-	25,600	}	Cleared, - - 29,529
Foreign, " - - - -	-	-	-	3,929		
				<u>29,529</u>		

VIRGINIA TONNAGE ENTERED.

Petersburg, American vessels,	-	-	-	3,693	}	Entered, 7,712
Richmond, " " - - -	-	-	-	2,822		
Foreign, " - - - -	-	-	-	1,197		
				<u>7,712</u>	}	14,357
Norfolk, American vessels,	-	-	-	4,357		
Foreign " - - - -	-	-	-	10,000		
				<u>14,357</u>		

VIRGINIA TONNAGE CLEARED.

Petersburg, American vessels,	-	-	-	2,748	}	20,328
Richmond, " " - - -	-	-	-	13,240		
Foreign, " - - - -	-	-	-	4,340		
				<u>20,328</u>	}	24,993
Norfolk, American vessels,	-	-	-	12,771		
Foreign, " - - - -	-	-	-	12,222		
				<u>24,993</u>		



No. 14.

LEGISLATURE OF NORTH CAROLINA:

RALEIGH, DECEMBER, 1838.

SENATE.

REPORT

OF THE JOINT SELECT COMMITTEE ON PUBLIC
BUILDINGS.

The Joint Select Committee on Public Buildings to whom was referred the report of the commissioners appointed to superintend the rebuilding of the Capitol, have had the same under consideration, and ask leave to submit the following Report:

Your Committee proceeded soon after its appointment to examine the disbursements of the appropriation made at the last session of the Legislature, for rebuilding the Capitol, \$120,000, together with the amount reported to be in the hands of the commissioners on the 1st of December, 1836, \$13,000, making an aggregate of \$133,000. From December, 1836 to May 1837, the accounts and vouchers exhibited, are neat and accurate. During the months May, June, and part of July, 1837, the accounts are badly kept, and vouchers to a considerable extent are wanting. One thousand one hundred and seventeen dollars and thirty-nine cents, have been expended, for which no vouchers have been exhibited, and is therefore reported as a deficit by your committee. The Commissioners have, from time to time, examined the accounts kept by their disbursing officer, as the books will show, and no doubt used every means in their power to prevent mistakes;

but the irregular habits of the officer at the time referred to, prevented an examination of the accounts altogether, until the late investigation. There appears also to be \$409 57 cents expended, for which no satisfactory vouchers are produced, but your committee believe it was properly paid out by the officer above named, from the circumstance that in the month of July, 1837, when another clerk was appointed by the Commissioners, he was not called on to pay the estimates, for the month, by *that amount*. It is not supposed that persons laboring for the State would retain their claims so long, and it is, therefore, reasonable to suppose they were paid, although no vouchers are produced to cover the amount.

Since July, 1837, we take pleasure in bearing testimony to the neatness and entire accuracy of the various accounts submitted to our inspection, and to the perseverance of the Commissioners in prosecuting the work committed to their charge. As the work has advanced, they have in almost every instance, consulted the best architects of the United States, submitted to them their various plans, and obtained their advice. The object has been to consult economy as much as would consist with the design of the building.

Your Committee knowing that much dissatisfaction exists in many parts of the State, on account of the expenditure of so large a sum for rebuilding the Capitol, have endeavored to acquire all the information on the subject which circumstances would allow, in order to satisfy themselves, as well as others. Our Capitol, built almost entirely of granite, is without a parallel in our State, if not in the United States, and we are, therefore, altogether unprepared to estimate the sum required for its erection. Every piece of granite used must first be taken from the quarry, and then prepared with great labor and expense for its place in the building. In order that those who have not had the pleasure of seeing the building even in its unfinished state, may be able to form an idea of its grandeur and beauty, your Committee have instructed me, to insert in this report, the dimensions of the building and of the several apartments, and the various models of Grecian Architecture, from which it was taken, all promptly furnished by the intelligent Architect, Mr. Paton.

"The State Capitol is 160 feet in length from north to south, by 140 feet from east to west. The whole height is $97\frac{1}{2}$ feet in the centre.

The apex of pediment is 64 feet in height. The stylobate is 18 feet in height. The columns of east and west porticos are 5 feet $2\frac{1}{2}$ inches in diameter, and thirty feet high. An entablature, including blocking course, is continued round the building, 12 feet high.

"The columns and entablature are Grecian doric, and copied from the Temple of Minerva, commonly called the Parthenon, which was erected in Athens about 500 years before Christ. An octagon tower surrounds the rotunda, which is ornamented with Grecian cornice, &c., and its dome is decorated at top with a similar ornament to that of the Charagic Monument of Lysicrates, commonly called the Lanthorn of Demosthenes.

"The interior of the Capitol is divided into three stories. 1st. The lower story consisting of 10 rooms, eight of which are appropriated as offices to the Governor, Secretary, Treasurer and Comptroller, each having two rooms of the same size—the one containing an area of 649 square feet, the other 528 square feet. The two committee rooms, each containing 200 square feet, and four closets, also the rotunda, corridors, vestibules and piazzas, contain an area of 4370 square feet. The vestibules are decorated with columns and antae, similar to that of the Ionic Temple on the Ilissus near the Acropolis of Athens. The remainder is groined with stone and brick, springing from columns and pilasters of the Roman Doric. The second story consists of Senatorial and Representatives' chambers, the former containing an area of 2545 and the latter of 2849 square feet.

"Four apartments enter from Senate Chamber, two of which contain each an area of 169 feet, and the other two contain each an area of 154 square feet; also two rooms enter from Representatives' chamber, each containing an area of 170 square feet—of two committee rooms, each containing an area of 231 square feet—of four presses and the passages, stairs, lobbies and colonnades, containing an area of 3204 square feet.

"The lobbies and hall of Representatives have their columns and antae, of the Octagon Tower of Andronicus Cyrrhestes, and the plan of the hall is of the formation of the Greek theatre—and the columns and antae in the Senatorial chamber and rotunda are of the Temple of Erechtheus, Minerva, Polias and Pandrosus in the Acropolis of Athens, near the above named Parthenon.

"Third or attic story consists of rooms appropriated to the Supreme Court and library, each containing an area of 693 square feet. Galleries of both Houses have an area of 1300 square feet; also two apartments entering from Senate gallery, each 169 square feet—of four presses and the lobbies' stairs, 988 square feet. These lobbies as well

as rotunda, are lit with cupolas, and it is proposed to finish the Court and Library in the Florid Gothic style."

The attentive reader of the above statement by Mr. Paton, will readily perceive that apartments are not only prepared for the two branches of the Legislature, but also for the Governor, Secretary of State, Public Treasurer, Comptroller, the Supreme Court and State Library, and that the different rooms are fire proof, and consequently all the public documents, so valuable to the State, and to individuals, will be entirely safe.

Your Committee have considered several plans proposed for the prosecution and completion of the Capitol, but from the advanced state of the work, and the progress of contracts already made, they deem it unadvisable to recommend any material alteration.

The several appropriations made by the State towards rebuilding the Capitol amount to \$395,000. The loans from the Banks of the State and the Bank of Cape Fear, amount to \$30,300, principal and interest from 19th Nov. 1838.

Your Committee herewith report a Bill making an appropriation of \$75,000 for carrying on and completing the Capitol, and an additional section is added for the payments of the amounts loaned by the two above named Banks, say \$30,300 with interest from 19th Nov. 1838. The sums already expended, and the appropriations about to be made at the present session, will amount to \$500,300.

Your Committee recommend the Commissioners to take bond and security from their Clerk, sufficient to cover any amount of money at any time in his hands. As our State officers are required to give bond and security for the faithful performance of their duties, it is but right that a Clerk who pays out thousands every month, should be also required to do the same.

Your Committee know of no farther duties to be discharged by them, and in conclusion, would congratulate the citizens of the State on the prospect of a speedy completion of their Capitol, the ornament of the State. All of which is respectfully submitted.

SAMUEL S. BIDDLE, *Chairman.*

Raleigh, Dec. 22d, 1838.

No. 15.

LEGISLATURE OF NORTH CAROLINA.

RALEIGH, DECEMBER, 1838.

SENATE.

THE COMMITTEE ON FINANCE HAVE INSTRUCTED ME
TO PRESENT THE FOLLOWING

REPORT.

That they have carefully examined all the books and vouchers in the Treasurer's and Comptrollers offices, and find that they correspond with the reports made by the two officers presiding over those departments, to the present General Assembly, for the two last fiscal years ending the 31st October, 1838. They have, also, examined the Deposites in Bank, and find them to correspond with the amount stated in the Treasurer's Report. The vouchers which have been examined by the Committee in the Comptroller's office, have been all cancelled. As far as your Committee can judge, all the accounts have been kept in conformity with the laws regulating those departments. The Committee think it but justice to say, that much credit is due to the Comptroller and Treasurer, for the able and faithful manner they have discharged the duties of the departments over which they preside.

Respectfully submitted.

EDWARD JONES, *Chairman.*

No. 15.

LEGISLATURE OF NORTH CAROLINA

RAILROAD DEPARTMENT, 1838.

SENATE

THE COMMITTEE ON FINANCE HAVE INSTRUCTED

TO PRESENT THE FOLLOWING

REPORT.

That they have carefully examined all the books and vouchers in the Treasurer's and Comptroller's offices, and find that they correspond with the reports made by the two officers presiding over the same, to the present General Assembly for the two last fiscal years ending the 31st October, 1838. They have also examined the positions in bank and find them to correspond with the annual statement in the Treasurer's Report. The vouchers which have been examined by the Committee in the Comptroller's office, have been all cancelled. As far as your Committee can judge, all the accounts have been kept in conformity with the law regulating those departments. The Committee think it but justice to say, that much credit is due to the Comptroller and Treasurer for the able and faithful manner they have discharged the duties of the departments over which they preside.

Respectfully submitted.

EDWARD JONES, Chairman.

REPORT

OF THE PRESIDENT AND DIRECTORS OF THE LITERARY FUND.

To the Honorable the

General Assembly of North Carolina :

GENTLEMEN:

The President and Directors of the Literary Fund of North Carolina, have the honor to submit the following Report :

Soon after the organization of the Board on the 4th of March, 1837, they proceeded, in obedience to an act of the last session of the General Assembly, to give to the subjects committed to their charge, that consideration and attention which their importance demanded : the draining of the swamp lands, digesting a plan for common schools, and the disposition and investment of the funds appropriated to these objects, until they could be used advantageously and with effect.

Their first duty was to inquire and determine what lands were *owned by the State*—entertaining the belief that large bodies had been entered by individuals, and the grants obtained thereon were purposely withheld from registration—this inquiry could not be satisfactorily prosecuted until after the expiration of the twelve months allowed by the act of the last session for the registration of the grants and deeds under which they might be held.

It was ascertained, however, that the county of Hyde did contain a large body, the unquestioned property of the State, believed to be fertile and susceptible of draining, and on which a fair and thorough experiment might be made. To guard against failures in a work which had justly excited the highest hopes and expectations of the public, and to prevent wasteful expenditures and losses by its injudicious prosecution, the Board had no hesitation in deciding that they would take no important step in relation to it, without obtaining the aid and advice, and a supervision of a competent and skillful scientific engineer. Public advertisement was accordingly made in various newspapers of the United States, and Charles B. Shaw, Esq. who had then recently been engaged in conducting works of improvement in Virginia, and who was highly recommended to the Board as an engineer, was engaged at a salary of \$2,500 per annum. His attention was first directed to the lands in Hyde, and he was instructed to

organize a corps of surveyors and assistants, and commence the preparatory steps for draining.

To enable the Board to form a proper estimate of the swamp lands, and to obtain information upon a matter which was wholly new to most of its members, they visited early in December last, the neighborhood of Mattamuskeet Lake, where the lands had been reclaimed to a considerable extent, and intended to extend their examination to other similar improvements in the low country. The inclemency of the weather was so great that their attention was confined exclusively to the low lands in Hyde.

The immense fertility of these lands when subjected to culture, their susceptibility of being drained and cultivated, and their great value to the State, in many points of view, when so improved, have been so often and so ably discussed for many years before the Assembly and the public, that it would be a worthless consumption of your time to insist upon it here.

Indeed your predecessors have already decided this matter, and have resolved to give it a fair experiment; and it is presumed that all your honorable body wishes or expects to learn from the Board, is to know *what they have done*. The Reports of Mr. Shaw, the engineer, numbered 1 and 2, are with this view, herewith submitted for your consideration; and these, together with the journal of proceedings kept by the Board, will afford the desired information.

The Board would beg leave to make one suggestion:—A great misfortune attending the swamp lands, and one which has greatly contributed to their wilderness state, is that they are held in immense bodies by individuals who are unable to reclaim them, and yet satisfied with their fertility and value, are unwilling to part with them at such prices as will enable farmers of limited means to purchase. If the State could re-possess them, it would greatly facilitate its operations in reclaiming contiguous tracts. The consideration of this matter is deemed worthy of your attention.

Mr. Shaw having received higher inducements elsewhere has very recently resigned his appointment of engineer. However much the Board may be gratified to see an efficient and valuable officer receive the full reward of his services, they can but regret the loss of his to the State. In the incipiency of this work, the Board did not feel themselves justified in offering a higher salary to induce him to remain. Indeed he did not intimate that such an offer would be accepted, or would change his course. The work, until another competent and experienced engineer can be engaged, will be left under the management of his assistants, of whom he speaks in high terms,

and in whose ability to discharge the duties left with them for the present, the Board have full confidence.

By a resolution of the last General Assembly, it was made the duty of this Board to digest and report to the General Assembly, a plan or system of Common Schools, adapted to the wants and capacities of the State. This great subject so favorably esteemed by all, has been one of great anxiety and no little perplexity.

Information has been sought from various quarters, and through the politeness of the Governors of several of the States, of whom the favor was requested, many laws relative to, and systems of Common Schools have been received. From these and other sources of information and aid, the Board have been enabled to comply with this requisition, and have the honor to submit for your consideration a system or plan in the file marked A.

The amount appropriated for the draining of the swamp lands, viz: \$ 200,000, has been loaned out, at short credit, to various individuals, and is believed to be well secured. The interest accruing on this sum, from time to time, (except such as is needed for current expenses) is also converted into principal and loaned out. The funds and property placed under the control of this Board, consist of the following items: \$ 100,000 in the stock of the Bank of the State and Cape Fear; to which has been added by the Board \$ 20,700, making \$ 120,700. The income arising from the operations of the Board of Internal Improvements, from \$ 32,500 stock in the Cape Fear Navigation Company \$ 25,000, in Roanoke Navigation Company, land entries, licences to retailers of spirituous liquors and auctioneers, tax on the Banks, on loans \$ 274,163, and all the swamp lands not heretofore granted to individuals, and cash on hand \$ 38,643 24 cents. The amount derived from these various sources, including \$ 3130 20 cents of dividend of capital of the old Banks of the State and Newbern since April 1837, is \$ 110,757 34 cents, \$ 11,358 13 cents of which have been received since the Public Treasurer made up his account. The annexed account will more readily shew the same. The amount of interest received by the Board on loans, it will be seen is \$ 30,509 32 cents, which would have been considerably increased, but for the necessity of the Public Treasurer's using a considerable amount of the funds to meet the current expenses of the Government, until the taxes of the present year were received.

All which is most respectfully submitted.

EDWARD B. DUDLEY,

President ex officio.

EXECUTIVE DEPARTMENT, {
December 4, 1838- }

SECOND REPORT

OF C. B. SHAW, Esq. ENGINEER

TO THE LITERARY BOARD.

To the President and Directors

Of the Board of Literature of North Carolina.

GENTLEMEN:

Since the date of my last report, and in accordance with resolutions to that effect of your Honorable body, Canals have been located from Alligator and Pungo Lakes to the proposed points near the mouths of Rutmans and Shallop Creeks; Some levellings and examinations of the soil have also been made upon the scites of the contemplated tributary Canals, and borings to ascertain the character and value of the soil have been made upon various portions of the tract proposed to be drained.

In the course of these operations the face of the country between the lakes and Pungo River was found to decline with less regularity than was expected, and the general elevation of the tract to be greater than was at first supposed, though the test levelling verified the general accuracy of that first made between the lake waters and those of the river.

The elevations of the two lakes Alligator and Pungo may now be confidently stated to be—the former 10 feet and the latter 16 feet above the points on Pungo river where their respective Canals will terminate.

This unexpectedly high level of the tract forbade an adherence to the original plan—certainly that most desirable—of giving to each Canal a general inclination from its origin to its mouth; to diminish cutting, the grade at the bottom of each of them was broken, giving a greater declivity to the lower portions. The increased cost of the drainage will be more than compensated in the additional value of the lands after reclamation. The depth of cutting, even with the most economical location, upon the Alligator Canal will average more than 9 feet for three miles. A rapid settlement of the now spongy surface may be expected after the exhaustion of the water with which it is saturated, and a corresponding increase in the tenacity of the soil. Upon the reclaimed lands of Mr. Pettigrew, on Lake Phelps, this subsidence has in many instances exceeded 2 feet; and rich harvests of wheat and corn are now

gathered on the very ground, into which at the commencement of his terprize a pole could be thrust by hand to the depth of 10 feet.

Labor and provisions have both enhanced in value in the course of the current year to the amount certainly of 25 per cent.—the former perhaps for such purposes as our uses require to a still greater extent: \$90 per annum was last year an exorbitant hire for a slave in the region whence the labor was expected to be obtained; but the demand for labor upon the Wilmington and Roanoke Rail Road has long since reached this region, and those who would last season have let their slaves for \$90, expect from \$120 to \$150 for the present. We are consequently disappointed in the expectation of finding contractors among the planters of the country; they will not undertake except with a prospect of inordinate profit.

My being a stranger in the State and my ignorance as to the degree of credit to be attached to the statements of those from whom I was compelled to seek information in regard to prices, gave rise to an opinion, which I cannot now confirm, that these works could be executed by the planters of the neighborhood at less than the usual contract prices; one instance may be mentioned, as an example of the sanguine expectations, which, whether, from a responsive feeling in themselves or from interested motives those making such statements evidently wished to impress. A readiness was expressed in my office, and in the presence of my assistants, to make the entire of the canal spoken of in my last report, from Mattamuskeet Lake to Pamlico Sound, for 6 cents the cubic yard, by a gentleman who is now a contractor upon the Alligator Canal at 15 cents, and very modestly proposes, in the absence of proposals from other quarters, to take a further and very heavy contract at 20 cents; avowing now an unwillingness to engage in the work without the expectation of large profits. The progress of this contract, though under the most unskilful management, and upon the most difficult portion of the Canal, has demonstrated a nett gain of at least 25 per cent. to the contractors. The original estimate contemplated that a gang of five hands would excavate and deposite in the embankment 900 cube feet per day, or 180 feet per hand. The condition of the contract alluded to was that the manner of carrying on the excavation should be left to the contractors, they preferring their own method to that contained in the specifications. The true economy in works of this sort is so to proportion the excavators and barrow men that neither description of laborers may be kept waiting for the other, and the work of all so disposed as to leave no fractions of labour unemployed. This desirable state of things has by no means been attained upon the contract in question, and yet upon earth, the tenacity and hardness of

which is at least triple that of the rest of the work, 170 feet per hand has been performed by the whole force employed. This is the result of an experiment upon the work of one day carefully made at my suggestion and supervised by my assistant Mr. Munford. The value of the reclaimed land will doubtless, as I shall hereafter show, be great, and when no other means practicable, would even justify the payment of still higher prices than have been demanded by those proposing for contracts, but I see no necessity for putting in the pockets of unskilful contractors so large a proportion of the sums expended in the work.—Engineers must of necessity be in attendance to stake out the Canals and the roads upon their banks—to make out estimates and supervise the general execution of the plans; much of their time must be unemployed, and they would only require the aid of overseers employed at low wages, to construct the intended works with more expedition, skill, and cheapness, than can ever be done by contractors who are too independent to be trammelled by the usual specifications; and who would substitute for plans, the usefulness of which has been well tried in the drainage of the fens of England and the Irish bogs, the conceptions of their own self will and ignorance.

The novelty of this description of work in our country operates against the prospect of obtaining contractors from a distance, as do also the exaggerated terrors of the paludal districts of this State and the competition of other works; the time which will likewise be lost in obtaining the anticipated advantages, both in the primary object of creating by the sale of these lands, a fund for the promotion of education, and in the not less important one of peopling a now desert tract, is another reason for the vigorous prosecution of this work by a method which I now propose.

As the act of Assembly under which your honorable board is now prosecuting this work, does not in your opinion authorize any other method than that of contracting for the execution of the works; and as there seems to be a desire to speculate upon the fund in the only quarter where we could reasonably hope to find contractors, I would advise an application to the Assembly for an extension of your powers, whereby you may possess the option of constructing the works yourselves or contracting for their execution.

I have not the least hesitation to assert that the whole system of drainage described in my report of February 29th, can be carried into execution for 12 cents per cube yard of earth removed, notwithstanding the present high rates for labor and supplies and the probability of their continuance, and I feel unwilling to sacrifice more of the sufficiently small sum dedicated to this great work until your pleasure or (should

you agree with me in the expediency of the proposed application) that of the Assembly can be known. The only mile now under contract is one of great difficulty compared with the remainder upon the same canal ; yet even here with proper management, the cost to the contractors would not exceed 10 cents per yard.

Slave labor, would for the mere execution of the works be preferable, but as the works would be extensive and might require more labor than could readily be procured of that description, it would be advisable, as can easily be done, to procure white laborers, and as a premium to diligence and good conduct, to offer a bounty of 20 acres of reclaimed land to each laborer who shall have served two years upon the works, or during their continuance. Ten thousand acres of land so appropriated would secure to the State 500 tax paying citizens, and would be the means of making the value of these lands sooner known than any other method. Besides the 56,000 acres which it is the immediate purpose of these works to reclaim, 22,000 acres of deserted land of superior quality in the neighborhood of Pungo Lake will be equally benefitted : upon a portion of this last tract the timber is of uncommon size and value. Some evidence of the quick regulating power of these lands may be formed from the fact, that a piece of land on the S. W. side of the Lake, which 15 years ago was cultivated in rice, is now covered with a dense forest of maples which would probably average more than a foot in diameter. The want of timber will not long be felt upon any portion of the tract after it shall have been brought into cultivation. The climate is also more salubrious than those residing in the upper country imagine ; the corps of assistants employed upon the work have enjoyed uninterrupted good health notwithstanding more than a year's continued and severe exposure. It is scarcely worth while to enlarge upon the importance of this work as a State improvement or its especial necessity to the people of the swamp land districts : to the latter it may be considered the only improvement suited to their circumstances and position.

The manner in which this undertaking has heretofore been protracted, calls loudly upon those having it now in charge to push it vigorously to completion, and secure to the State, to the Literary Fund, and the people of the low country, the benefits which they cannot fail severally to reap from it.

It is probable that the Legislature did not contemplate the restriction which the language of the act for the drainage of the swamp lands seems to employ : the prosecution of the work in the most economical manner is now crippled by the limited forces of the Board. If the act be amended, it should be done very early in December, to allow the

time necessary to procure the requisite labor, which can only be done economically before January. The probable advance in prices and the unexpected increase in the quantity of work from the greater height of the land will nearly double the last estimate: one hundred and forty thousand dollars may now be stated as the cost of the two canals already located, and 10 to 20,000 dollars must be expended in opening tributaries before the exact effect of the proposed plan of drainage can be demonstrated to the satisfaction of purchasers.

The commissioners who were charged with the construction of the canal from Mattamuskeet Lake to Ysocking creek have been more successful in getting that work cheaply executed than can be hoped for in a work of greater magnitude. I am informed that they recommend to the Legislature, as I have already done to your Honorable Board, the construction of a second canal from the lake to East Bluff Bay, and that they propose a canal of 20 feet bottom, which they think can be constructed for 20,000 dollars.

I disagree with that opinion in every respect, except the expediency of a canal in the proposed direction. They have overrated the value of their own canal as a vent for the lake waters, not having made due allowance for the effect of the past very dry and hot season; it is well known that a heavy rain has raised the lake water 4 or 5 inches this past season, and equally so that the Ysocking canal did not reduce it more than that amount the first four months after it was opened.

I leave my calculations for the drainage of Lake Mattamuskeet (contained in pages 10, 11 and 12 of my former report) to be reviewed by those competent to do so, and retain all the opinions there expressed in regard to the dimensions of the canal, and would add 25 per cent. to the estimate for its construction, making 50,000 dollars; the least sum for which that object could be successfully accomplished.

A canal of the dimensions recommended by the commissioners, might certainly answer the purposes of improving the lake lands, but the object of this Board would be to reclaim from the lake itself, land to be thrown into market, and which should, after reclamation be as little subject as possible to inundation.

Fifteen thousand acres of land can certainly be recovered in that way from the water, and there seems to be little doubt here that they would very readily produce 150,000 dollars, leaving to the fund a nett gain of 100,000 dollars.

As a subject in some measure connected with the interests of the swamp lands, I will in conclusion allude to the report of Col. Kearny of the U. S. Topographical corps, in which an opinion is expressed that Ocracock Inlet is in the process of closing, and that the trade of

Albemarle and Pamlico Sounds must eventually take the direction of Core sound and Beaufort or Old Topsail Inlet.

The inaccuracy of the windings on Ocracock bar, has been already asserted by the ship masters and pilots, who are or have been engaged in the navigation through that inlet; it occurs to me also that one of the very reasons given by Col. Kearny in favor of its being about to close is strong evidence to the contrary. He asserts most truly that most of the inlets between Cape Henry and Beaufort harbor are in a steady progress towards closing, but it is very certain that the fewer the inlets shall be in number, the stronger the current will be through those which remain, as long as the immense efflux of the land waters shall continue.

I would refer to page 11, 3d paragraph, of extracts from reports on Internal Improvement, published for the use of the Board of Literature, wherein a quotation from Rennel's work on the geographical system of Herodotus, shows the effect of alluvial formations like those of the coast of North Carolina, to be generally what Col. Kearny states as now in progress, but with an opposite conclusion from his. "As the land rose by depositions, the waters would naturally confine themselves to fewer channels; since the land in a firmer state requires greater force to divide it. At a time when the upper part of the Delta had acquired a degree of firmness and elevation, we learn from Herodotus, that three channels conveyed the waters of the Nile to the neighborhood of the sea: a quarter in which the alluvial land must ever be regarded as in an imperfect state of formation. At present, two only convey those waters to the same quarter, and one of them is growing shallow.

The resultant action of the effluent waters of Albemarle and Pamlico Sounds, would in my opinion form an inlet at or near where Ocracock now is, were there none yet existing.

Inlets have opened upon our coast as well as closed. Witness the New Inlet, near the mouth of Cape Fear river, and the Ship Shoal Inlet on the eastern shore of Virginia, and have afterwards rapidly deepened.

The variable and alternately preponderating influence of powerful Atlantic gales, or great periodical floods of the land waters, will produce either one or the other effect.

I wish every success to the Core Sound Improvement, as one of general interest to the South Eastern portion of our State, but would deprecate the closing of Ocracock.

With sentiments of the highest esteem,

I am your obedient servant,

CHARLES B. SHAW.

REPORT

OF THE PRESIDENT AND DIRECTORS OF THE LITERARY FUND OF NORTH CAROLINA, ON THE SUBJECT OF COMMON SCHOOLS.

November, 1838.

A Resolution adopted at the last session of the Legislature, made it the duty of the President and Directors of the Literary Fund to digest a plan for Common Schools, suited to the condition and resources of the State, and to report the same for the consideration of the present General Assembly.

The Board have given to this subject attentive and anxious consideration, and taken pains to procure all the information within their reach, which seemed essential to enlightened legislation. On the day of _____ last, the President, under the direction of the Board, transmitted a Circular to the Governor of each State in the Union, requesting copies of all legislative acts and other official Documents in relation to Common Schools, either in existence or contemplation.— This communication received the favorable and general attention, which the interesting subject to which it relates was so well calculated to excite, and the Board have thus been enabled to present to the General Assembly many publications of great interest and value.

They regret to be compelled to state in connexion with this topic, that their efforts to procure still more important information, with respect to the actual state of education in North Carolina, have been much less successful, and that no means at their command will enable them to obtain such facts as are indispensable to the proper discharge of the duty required at their hands.

The Reports to the Senate in 1816 and 1817, by the late Judge Murphey, the letter of Charles R. Kinney, Esq., communicated to the General Assembly by Governor Owen in 1828, and the letters of the late President Caldwell, originally published in the newspapers and republished in pamphlet form in 1832, have been procured, not without difficulty. They contain many valuable suggestions, and will well reward the labor of the most careful examination; but they are all eminently wanting in that which individual effort is incompetent to supply—the precise and minute statement of facts by which alone the accuracy of their theories can be tested.

The Memoir on the subject of Internal Improvements and on the resources and finances of the State, published by Judge Murphey in 1819, is the first and only essay that has been made towards the compilation of a system of Statistics, almost as indispensable to intelligent legislation, on the leading interests of the State, as a well arranged account book to the proper management of individual affairs.

If it shall be objected to this Report, that like all others which have preceded it, it abounds in hypothesis and theory, the General Assembly will not be disposed to censure too harshly, the most manifest defect, when it is apparent that none others than themselves are competent to afford a remedy. The Memoir of Judge Murphey, above referred to, comprised much valuable information, of great interest, at the date of its publication, and constitutes the proudest monument to his memory. On the subject of education, however, it did not profess to enter into details, and the lapse of nineteen years has wrought greater changes in the character and condition of the State, than would be likely to occur to an ordinary observer. Since that time no addition has been made to the meager amount of statistical knowledge. There is no publication extant, no individual in existence, that can afford any satisfactory information with respect to the number of common schools in the State, much less the number of pupils, the mode of instruction, the condition of the school houses, the characters and qualifications of the instructors. Indeed it is doubted, whether there is any one competent to meet these inquiries with regard to a single county, certainly there is none without the legislative body, and yet all this and much more, is not merely desirable and necessary, but indispensable to the great purposes contemplated by the Resolution requiring this Report. Of the number, resources and condition of our academies, something more, and yet very little is known. Even the history of the University is as yet unwritten: the subject has been ascertained to be obscure by those best acquainted with it, and though the institution bears the name of the State, and has been proudly denominated "the child of the constitution," its precise situation and resources, the mode of instruction, government and police, the effect which it has heretofore had, and is likely to have hereafter on the morals, intelligence and character of the State, are less familiarly known than they should be, even to the constituted authorities of the country.

The Board have no apology to offer for the introduction of these remarks. They believe there are none more devoted than they to the best interests of their native State, and they would regard themselves as recreant to the highest obligations of patriotism, if under the influence of false pride, or the disposition to pander to public vanity they

should suppress any truth, which the public interest required to be promulgated.

The inability of the Board to obtain the full and accurate knowledge indispensable to a compliance with the command of the General Assembly, to digest a plan for Common Schools, "suited to the condition and resources of the State," will constitute the most appropriate apology, for the partial and defective statements which will be offered in regard to them.

North Carolina extends over an area of 50,000 square miles or 32,000,000 of acres. In 1830 her population consisted of 472,843 whites, 19,543 free persons of color, and 245,601 slaves. The average aggregate population to the square mile was about 14 7-10, and of white population 9 4-10. The aggregate population in 1840 will probably be about 850,600, or 17 to the square mile, and the white population 550,000 or 11 to the square mile. The number of white children between the ages of five and fifteen years was in 1830 129,583—in 1840 the number will be about 150,000, or 3 to the square mile.

Accurate information, with respect to the proportion of our citizens who have received the benefit of a common school education, from their own resources, would shed great light upon our inquiries. The data at our command is vague and uncertain. The Hon. W. C. Johnson, of Maryland, in the course of a series of interesting observations on the subject of common schools, made in the House of Representatives of the United States, in February last, remarks that he has seen no report from North Carolina on this subject, but that it is obvious that she stands greatly in need of an improved system of education, from the fact that, out of one hundred and eleven voters who gave testimony, in relation to the contested election in the first session of the 22d Congress, twenty-eight made their marks; in other words, one third could not write their names. It must be remembered, however, that the Congressional District referred to is on our western frontier, and that although it certainly yields to no section of the State in the exhibition of mental and physical vigor, nevertheless owing to its comparatively recent settlement and the sparseness of its population, the means of education are less generally diffused than elsewhere.—The class of individuals too whose votes are most likely to be challenged are not always the most intelligent portion of the community. But after all proper allowances are made, the existence of such a fact in the most populous Congressional District in the State, and the one for which it will be most difficult to provide, in any general scheme of education, is startling. In 1840 more than one-eighth of the voters of the State will be found in this region. In the same district of country there

are not more than two well regulated Seminaries, where instruction is given in classical learning: and in these no means are provided for the illustration of the physical sciences. With the exception of the University, we have but one institution in the State possessed of philosophical and chemical apparatus, a third will in a short time be supplied.—There are not probably a dozen Academies prepared to give instruction in the use of the Maps and Globes, or half of this number furnished with Libraries.

The average number of students on the catalogues of the University for the last twenty years, is one hundred and eighteen, or in the ratio of about one to every four thousand of our white population in 1830. During this whole period however, many of our young men, probably, a third, were educated at the colleges of other States, and if so, the ratio of students at college to the white population would be as one to three thousand.

Such is the only information that has been obtained with respect to the condition of the State.

More full and precise details can be furnished on the subject of our resources. But much, very much will be left to be desired. The average value of the entire surface of the State, is not less than two dollars per acre, making the aggregate sum of 64,000,000 dollars.—The total value of all other species of property has been computed from satisfactory data to be at least 136,000,000 dollars, which added to the estimate of lands amounts to two hundred millions of dollars.

The small proportions of the annual productions of the State which finds a market within our own borders, renders it impossible to submit any calculations upon this subject which would have reasonable claims to accuracy.

The state of the fund set apart for the support of common schools is exhibited in the following statement of the *permanent property* and *other sources of revenue*, committed to the management of the Board.

1st PERMANENT PROPERTY—a million of acres of swamp lands of uncertain value; 5,000 shares of stock in the Bank of the State, and 5,207 shares in the Bank of Cape Fear, subscribed at 100 dollars per share; 500 shares of stock in the Roanoke Navigation Company, subscribed for, at 100 dollars per share, and probably worth half the sum; 650 shares in the Cape Fear Navigation Company, (500 subscribed for at 50, and 100 at 100 dollars per share) subject to a like depreciation; the dividends on 6,000 shares of stock in the Wilmington and Raleigh Rail Road Company, subscribed for at 100 dollars per share; and 175 shares in the Club-foot and Harlow Creek Canal Company, subscribed at 100 dollars per share, the latter of no marketable value.

2d. SOURCES OF REVENUE—The tax imposed by law upon the

retailers of spiritous liquors—the tax on auctioneers—all monies paid into the Treasury on entries of vacant lands (except Cherokee lands)—and all profits accruing to the State, for subscriptions to works of Internal Improvement—and from loans made from the Internal Improvement Fund.

The transcript in the appendix taken from the report of the Public Treasurer, exhibits the whole fiscal transactions of the Board since April, 1837, and is given at length, to enable those disposed to enter into the investigation, to satisfy themselves of the degree of reliance which may be placed upon the following estimates :

ESTIMATES FOUNDED UPON THE FOREGOING STATEMENTS.

The Bank stock belonging to the fund, is of greater value than the subscription price, and this excess of value will be more than equivalent to the depreciation of the navigation stocks. There can be no risk, therefore, in estimating the bank stock and the Roanoke and Cape Fear Navigation stock at par—and the Club-foot and Harlow Creek Canal stock as destitute of value. The value of the Wilmington and Raleigh Rail Road stock can only be determined by time and experience. At present favorable expectations are entertained.

RECAPITULATION.

10,207 shares of Bank stock at \$ 100 per share	\$ 1,020,700
500 do Roanoke Navigation \$ 100 per share	50,000
650 do Cape Fear do do do	32,500
Cash in the Treasury, 31st October, 1838	27,285
	<hr/>
	\$ 1,130,485
6,000 shares of stock in Wilmington and Raleigh Rail Road Company, subscribed at \$100 per share	600,000
	<hr/>
	\$ 1,732,485

ESTIMATED ANNUAL INCOME.

The Bank and Navigation stock, as above will probably yield a yearly profit of six per cent. on	
\$ 1,100,000	66,000
Wilmington and Raleigh Rail Road stock, 6 per cent. on \$ 600,000	36,000
Tax on retailers of spiritous liquors	2,800
do on auctioneers	1,200
Moneys paid for entries of vacant lands	5,000
	<hr/>
	\$ 111,000

One of the principal sources of revenue during the last two years, viz: interest arising from loans made by the fund for Internal Improvements, is omitted in the estimate, because the principal money may be appropriated to some public work during the present session, and this may or may not be a source of revenue, according to the character of the enterprize. The swamp lands are omitted, because no calculation can be made with respect to them on which the Board can rely themselves, much less command the assent of others.

To devise a system then, which shall secure instruction in reading, writing, and arithmetic, for 150,000 children, dispersed through the State in the ratio of three to every square mile, with the resources stated, would seem to be the precise duty required of the Board, by the last General Assembly.

Massachusetts is entitled not merely to the high distinction of having given birth to the common school system in America, but to the peculiar glory of having preceded all other people in the efforts now making for the intellectual regeneration of the world. The cradle of liberty was none other than the cradle of intelligence, and the spirit of our free institutions can continue to exist in none other than the brilliant atmosphere which gave it birth. The population of Massachusetts in 1830 was 610,014, or 81 to each square mile of her Territory, in 1840 it will be about 710,000 and about 94 to the square mile. The number of children between the ages of four and sixteen is returned at 177,053, and the amount expended for instruction is estimated at \$ 841,000, of which sum \$ 465,000 is raised by direct taxation. The latter sum is divided annually among more than three thousand teachers. The assessed value of the property of the people of that State in 1830 was \$ 208,360,407, and is probably much greater now. The reputation of her citizens for intelligence and enterprise, is co-extensive with civilization. It is a matter of just pride with her Statesmen, that a common school system, cherished to the extent which has been shown, is well suited to the condition and resources of that commonwealth.

Let us compare, for a moment, the relative advantages of the two States in both these respects. Our white population is spread over the State in the ratio of eleven to the square mile, her's in the proportion of ninety-four. Density of population is a great advantage, provided it be equally diffused, inasmuch as the school-house can be brought nearer each man's door. In equality of diffusion, owing to the non-existence of large towns, we have greatly the advantage: and it is believed that it can be shewn to a demonstration, that the advantage arising from the greater density of population in Massachusetts is

fully counterbalanced by evils of an opposite nature, from which we are exempt. We are blessed with a climate equally salubrious, a soil of greater average fertility, a larger variety of productions, and more valuable staples, a domain between six and seven times as extensive, an amount of aggregate wealth nearly as great, and greater, man for man, divided among our citizens with an equality, strikingly similar to that which characterises their distribution over the State. In the relative dissemination of intelligence, it must be admitted that the superiority is not with us, and to this cause alone, must be ascribed the fact that, with immensely greater facilities for the production of wealth, we have so little surpassed our keen-sighted rivals. Neither argument nor example is necessary to prove that the enterprise, and consequent wealth of every nation, is in a direct proportion to its intelligence. It is the history of the world, and the experience of every individual.

A comparison of the relative advantages of North Carolina, with either of the States that has entered upon the great career of improvement, will serve to shew that there is nothing connected with the condition and resources of this commonwealth, that should deter the patriot from the attempt to discharge his duty. New York, Pennsylvania, and the infant Collosus, Ohio, are apposite and cheering examples. The empire State, that astonished the world, by the accomplishment of a physical improvement, "a century in advance of the age," has effected infinitely more for our country and mankind, in the admirable organization of her system of intellectual improvements. With a territory not quite equal in extent to ours, an aggregate population perhaps three times as great, she has established more than ten thousand common schools, in which, instruction is given to a number of children, larger than that of our whole white population. If De Witt Clinton had never been born, and the first conceptions of her whole scheme of internal improvements were yet to be formed, they would certainly and inevitably result from her common school system. It is mind that acquires dominion over matter, and education that forms the mind, Pennsylvania entered comparatively late into the generous contest of physical and intellectual improvement, but she entered with a giant's stride, and has made and is making a giant's progress. With an extent of territory, less by one-tenth than ours, an aggregate population twice as large, her system provides for the immediate instruction of 300,000 children, at an annual expense of \$ 600,000.

This expense, let it be remembered, has been voluntarily assumed by her citizens, at the polls, in her several school districts, and at a time when they were charged with the maintenance of a system of

internal improvements, extensive and costly beyond all parallel. Ohio, that in the memory even of the middle aged men of the present generation, was a wilderness, promises to outstrip all her sisters in physical and intellectual improvement. One of her citizens* is entitled to the proud distinction of having given the first impetus to the greatest physical improvement of the age—and another,† a forest born professor, has probably accomplished still more gigantic results, by the interest which he has excited in favor of education in his native State, and throughout our country. It cannot be necessary to enter more extensively into these calculations.

Our condition is not unfavorable to the establishment of common schools; we have the necessary resources, and need nothing but the will to apply them liberally, and the intelligence to apply them with discretion. With respect to the mode of application, we have fortunately access to more satisfactory information, than on any other topic that has engaged our attention. The regret that we have not been enabled to act efficiently at an earlier period, is lessened by the consideration that we are enlightened by the recorded experience of those who have preceded us. If there were widely discordant opinions, as to the best mode of national enlightenment, we might still experience much difficulty in arriving at satisfactory conclusions.

So far, however, as the Board have had an opportunity of examining the history of education in the old and new world, the mode of procedure is substantially the same. In Sweden, Prussia, Germany, Austria and Russia, the machinery is arranged with a celerity, and the system pursued with a vigor peculiar to the operation of despotic forms of government. In this country, where the people are sovereign, action implies deliberation, and to deliberation are sometimes incident, hesitation and delay.

In digesting the system of common schools, now to be submitted, the Board claim for themselves no originality of conception. They have done nothing more than to endeavor to adapt to our condition and purposes, machinery which has been well tried, and found eminently useful elsewhere.

Of the 50,000 square miles, or 32,000,000 acres, constituting the surface of North Carolina, a million and a half of acres were estimated by the engineers appointed to examine them, to consist of vacant and inaccessible swamp lands in the eastern section of the State. If this estimate approximates accuracy, and we add to the extent of the swamps, the mountainous districts of the west, unsuceptible of culti-

* Dr. Drake.

† Professor Stow.

vation, we may safely conclude that at least one-tenth of the State is uninhabited. There remain then 45,000 square miles of inhabited territory. If this area be divided into common school districts, six miles square, or as nearly so as the nature of the country will admit, the State will contain 1250 districts. If the population were diffused throughout the State, with precise equality, each district would contain about one hundred and eight children, between the ages of five and fifteen, and the most remote child would be a little more than four miles, in a direct line, from the centre of his district, while the greater number would be less than half the distance.

It may be very desirable, and certainly will be so ultimately, to have smaller districts and more numerous schools. New York, we have seen, has divided the same extent of territory, into more than ten thousand districts. She has, however, nearly five times as many children to provide for, and it is a matter of much regret with her most intelligent citizens, that they have not fewer, and consequently better schools.

The division proposed, would, if our counties were all of the same extent, give about nineteen schools to each county.

As stated in the outset, the Board have no means of ascertaining, but the opinion is confidently entertained, that there have been at no time a dozen good schools sustained in the most populous and wealthy of our counties. It is believed, moreover, that if the requisite funds were at the command of the Board, the establishment of a greater number of schools would not be desirable, for the obvious reason that it would be impossible to supply them with competent instructors. Indeed, as will hereafter be shewn, the greatest difficulty to be encountered, in this great effort at intellectual reform, will be in commanding the services of proper school masters.

The districts having been laid off by designated boundaries, a school-house is in the next place to be erected, at a proper place, of suitable materials, and on the most judicious plan. As the rising generation is to pass a deeply important, interesting, and the most impressible portion of life in these tenements, the mode of construction is a matter of no small moment. Indeed much of the efficacy and success of the whole system, will depend upon the model which shall be selected, and the manner of its execution. Too much attention cannot be bestowed upon either. The edifices should be pleasantly situated; should be neat and comfortable, and as they may, on an average, afford the only opportunities of instruction to 108 children, they must be spacious. In no community, however, will the whole, or nearly the whole number of children, ever be sent to school at the same time.

The accompanying report of the secretary of the Board of Education of Massachusetts, on the subject of school houses, contains all the information on this head that can be desired, and obviates the necessity of farther remark here. The districts having been designated, and the requisite school houses erected, the difficult question returns upon us—how are instructors to be provided? No one capable of forming correct opinions upon the subject, and conversant with the state of things around us, can suppose for a moment, that we can find twelve hundred and fifty, properly qualified instructors in North Carolina, or any considerable proportion of this number. They cannot be had from the North, if it were desirable to employ others than those reared in our State, for the difficulty of obtaining them is much more loudly complained of in Ohio, Pennsylvania, New York, and even in Massachusetts than here. What then is to be done? We will be compelled to adopt the course crowned with such perfect success at Hofwyll, in Switzerland, in Prussia, and Germany, and which is now in the progress of successful experiment in New York, and about to be adopted in Ohio, Pennsylvania and Massachusetts. A scheme, pressed with so much earnestness and ability on the attention of the citizens of this State, by President Caldwell, in his volume of letters published in 1832, and which indeed, constituted his only plan and hope for the improvement of our common schools. We must establish normal schools for the education of our own teachers, and we need entertain no hope of accomplishing the favorite object of the State in any other way.

New York has endowed a separate department in each of her ten district academies, for the instruction of common school teachers. It has had the effect already of giving increased reputation to the least appreciated, but most useful of all the learned professions, and promises a radical change for the better in the schools throughout that State. The graduates of these normal schools are sought for with the greatest avidity, and notwithstanding all the efforts that have been made to give efficiency to these departments, the supply is by no means commensurate with the demand.

The superintendent of common schools in Pennsylvania, advises the establishment of four practical Institutes in different sections of the State, the procurement of suitable libraries and apparatus, and a family of six professors for each, involving an annual expense of \$40,000.

If these views needed the confirmation, either of argument or authority, they would find both in the subjoined extract from the report of the Board of Education of Massachusetts, made on the 20th

of April last. Governor Everett is chairman of this Board, and it is almost superfluous to remark that there is no individual, whose opinions are entitled to more weight on all subjects connected with education. The subject of the education of teachers is of the very highest importance in connection with the improvement of our schools. That there are all degrees of skill and success on the part of teachers, is a matter of too familiar observation to need repetition; and that these must depend, in no small degree, on the experience of the teacher, and in his formation under a good discipline and method of instruction in early life, may be admitted without derogating in any measure, from the importance of natural gifts and aptitude in fitting men for this as for the other duties of society. Nor can it be deemed unsafe to insist, that while occupations requiring a very humble degree of intellectual effort and attainment, demand a long and continued training, it can not be that the arduous and manifold duties of the instructor of youth should be as well performed without as with specific preparation for them. In fact it must be admitted as the voice of reason and experience, that institutions for the formation of teachers must be established among us, before the all important work of forming the minds of our children, can be performed in the best possible manner, and with the greatest attainable success.

No one who has been a witness of the ease and effect with which instruction is imparted by one teacher, and the tedious pains-taking and unsatisfactory progress which mark the labors of another of equal ability and knowledge, and operating on minds equally good, can entertain a doubt that there is a mastery in teaching as in every other art. Nor is it less obvious, that within reasonable limits, this skill and this mastery may themselves be made the subjects of instruction and be communicated to others.

"We are not left to the deductions of reason on this subject. In those foreign countries where the greatest attention has been paid to the work of education, schools for teachers have formed an important feature in their systems and with the happiest results. The art of imparting instruction has been found like every other art to improve by cultivation in institutions established for that specific object. New importance has been attached to the calling of the instructor, by public opinion, from the circumstance, that his vocation has been deemed one requiring systematic preparation and culture. * * * The duties which devolve upon the teachers even of our common schools, particularly when attended by large numbers of both sexes and of advanced years, for learners, (as is often the case) are various and difficult of performance; for their faithful execution, no degree of talent and qualification

is too great, and when we reflect in the nature of things, that only a moderate portion of both can in ordinary cases, be expected for the slender compensation afforded the teacher, we gain a new view of the necessity of bringing to his duties, the advantage of previous training in the best mode of discharging them."

"A very considerable part of the benefit which those who attend our schools might derive from them, is unquestionably lost for the want of more skill in the business of instruction on the part of the teacher. This falls with special hardness on that part of youthful population who are able to enjoy, but for a small portion of the year the advantage of the schools. For them it is of peculiar importance, that from the moment of entering the school, every hour should be employed to the greatest advantage, and every facility in acquiring knowledge, and every means of awakening and guiding the mind be put into instant operation; and when this is done, two months' of schooling would be as valuable as a year passed under a teacher destitute of experience and skill."

If the Legislature should determine to establish a single school of this character, the public convenience will of course require that it shall be located near the centre of the State. If the board were authorized to make an arrangement with the Trustees of the University, and to annex to that institution a department for the instruction of common school teachers, a less numerous faculty might be required, than for a separate school. The libraries, apparatus, geological and mineralogical cabinets, would subserve equally the purposes of both.—That institution now receives without charge either for tuition or room rent, every native of the State, destitute of the means of education, who, upon examination by the faculty, is believed to possess the requisite mental and physical constitution to render him a valuable member of society.

There can be no difficulty in pronouncing that the trustees would greet with a similar spirit of liberality and benevolence, any proposition which should promise still more extended usefulness.

If a system of common schools of this or similar extent should find favor with the General Assembly, it will next become necessary to inquire more particularly into the amount of expenditure it will involve, and the manner in which the requisite funds can be provided.

The nett annual revenue of the Literary Fund, as at present constituted, cannot, as before remarked, be less than one hundred thousand dollars, and will probably exceed that sum. The act of 1825, creating the fund, provides that it shall be distributed among the several counties in proportion to their white population. No illustration can be necessary to shew, that this sum unassisted from other sources, is

wholly inadequate to the maintenance of any general system of education. The distribution of the fund set apart for this purpose, however, should not be made, until the citizens of each county shall have decided in favor of the scheme, at the ballot box, and the justices of the County Court shall have levied and collected twice the amount that the county shall be entitled to receive from the State.

It would seem scarcely necessary to resort to argument to manifest the propriety and necessity of this condition. It is obvious that proper interest will never be taken in the management of the schools by those who are not conscious of having contributed to their maintenance. And no school can be conducted upon the best principles, that is not subjected to the constant and jealous supervision of the most intelligent portion of the community, and this keen circumspection nothing short of a sense of pecuniary interest can produce. The tax payer will not merely be disposed to see that his money is not wasted, he will be anxious to derive benefit, and the greatest possible amount of benefit from the expenditure. This can only be secured by the maintenance of a well regulated school, and the means necessary to the end will not be neglected. If the state fund were ample in amount for all the purposes contemplated by its creation, it is more than doubted, whether it would be possible to effect the object without uniting it with individual interests.

The Board are not to be regarded as intimating the opinion that the State and county fund provided and united in the manner proposed will be competent to effect all that the philanthropist would desire.—Far from it. It will accomplish however vastly more, than has hitherto been attempted or anticipated in North Carolina. If the scheme now suggested should be carried into successful operation, all will have been done, perhaps that it is proper to be attempted at the present time. The foundation of a Universal System will have been laid, which properly beginning with society in its incipient stage, will ultimately adapt itself to every period of life, and to all the wants of the country. Well endowed academies will succeed to common schools, at no long interval, and colleges and universities, in due time, complete the structure. All are not merely necessary, but indispensable to the prosperity and happiness of a well governed State.

But it is time to return from this digression to the delineation of the plan. It would not probably be possible to divide the State into the proper districts, erect school houses in each, and have one or more normal schools in operation in less than three years. The accumulation of three years, arising from the regular income of the fund, and double the amount raised by the counties, would amount to nine hun-

dred thousand dollars, and this sum divided by the number of school districts (1250) would admit of an average salary of \$240 to each school master. This rate of compensation is certainly very moderate, but it is believed to be greater than the sum ordinarily derived from the same avocation at present. Various circumstances may tend, in many instances, to increase it. The wealthier neighborhoods, may augment it by voluntary contributions; the schools in summer, particularly in the poorer districts, will consist mainly of the younger classes of learners, and for these instruction may be provided; in an inverse ratio to the value of the services rendered, by the most amiable, patient and successful of the whole tribe of teachers—educated females. In all the districts where voluntary provision is not made, the instructor must, as in the Eastern States, board with the parents of his pupils at alternate intervals.

[To superintend, direct and control the whole of this complicated, but not inharmonious machinery, a superintendant of common schools must be selected. Perhaps there is no office in the State so difficult to fill well, as there is certainly none of such incalculable importance.—For such a station, no character, is too exalted, no amount of learning too varied and extensive, no talents too commanding, no benevolence too active or expansive. He must direct the normal schools, visit and examine every section of the State, devise the principle on which it shall be districted, furnish the model of the school houses, devise the mode for examining and licensing teachers, select the series of text books, and see that they are invariably used in every school, devise forms of reports, to be required annually from each instructor, that shall contain all that is necessary to be known, with respect to the condition, government and police of the school, and prepare a systematic digest of the whole to be submitted to the General Assembly. He should be able to exercise a commanding influence over multitudes in their primary assemblies, to advise the instructor in his school room, and to control and dissipate causeless prejudices and jealousies without; all these qualifications may not, and probably will not be found united in any individual, but proper pains should be taken to secure the nearest approximation practicable.]

Although the Board have been simply instructed to digest a plan of common schools, a few remarks upon the subject of education, generally, and in connexion with some features of the scheme, may not be deemed irrelevant to their duty.

The system recommended contemplates the annual expenditure of \$300,000, of which sum \$200,000, is to be raised by direct taxation upon the counties, in proportion to their white population, for the

instruction of 150,000 children in the elements of learning, morals and religion. It amounts at the most to one tenth of one per cent. on the entire capital of the State, \$200,000,000, in other words every individual will be required to contribute the *one thousandeth* part of each dollar for the education of his children, and the diffusion of the light of learning and the spirit of freedom throughout the State.

It will be perceived from the statement of the Public Treasurer of the condition of the Literary Fund, as exhibited in the appendix, that there are about eight hundred retailers of spirituous liquors licensed in this State, at the rate of \$4 per head. If the receipts of each of these individuals are of the average annual amount of \$400, the aggregate sum freely contributed to sustain these Common Schools for the dissemination of vice and immorality is greater than that required to establish a system of the character which has been delineated.

If the country is too poor to sustain both, may not the question be properly submitted to the people, which shall be dispensed with. The security of life, liberty and the pursuit of happiness is, under the blessing of Heaven, exclusively dependent upon one—of the other it must be left to its advocates to speak.

Without the benefit of a Common School education, the usefulness of man to himself and his neighbor is greatly restricted. But who will venture to calculate the direct loss to the community in an economical point of view, from the two partial diffusion of elementary learning? When was a nation impoverished* by any extent of effort to enlighten the common people? Is it possible in the nature of things to produce such a result from such a cause? On the contrary, must not the cultivation of the mind and the heart tend to diminish the expenses incident to crime? Will not the application of science to the useful arts insure increased production, and the consequent augmentation of individual and national resources? Nothing is more certain.

There is another point of view, however, even in connexion with the temporal interests of man in which this subject should be regarded, in comparison with which all economical considerations dwindle into insignificance. Not merely the property—the life and liberty of every citizen, and the perpetuity of our free institutions depend upon the jury box and the ballot box. If intelligence and integrity be wanting there, the form of government ceases to be of the slightest moment.

The Constitution of the State requires “that a School or Schools shall be established by the Legislature, for the convenient instruction of youth, with such salaries to the masters, paid by the public, as may enable them to instruct at low prices, and that all useful learning shall be

*See Appendix—Relation of ignorance to crime.

duly encouraged in one or more Universities." At the time when this instrument was framed, the public mind was most deeply excited, on all subjects connected with the rights of man. The fundamental principles of civil government were more universally discussed, and more thoroughly understood than at any subsequent period. The social edifice was regarded as resting upon the virtue and intelligence of the people. The principle which no one presumed to controvert *then* is true *now*, or our whole representative system is a delusion and a mockery. It must be carried into effect or the solemn declaration of the father of his country, *that in proportion as the structure of government gives force to public opinion, it is essential that public opinion should be enlightened*, becomes unmeaning and useless jargon, and our once revered Constitution a dead letter.

APPENDIX.

RELATION OF IGNORANCE TO CRIME.

[*Extracted from an article on the subject of Common Schools, in the North American Review, No. 101, for October, 1838.*]

It is true economy to buy an article that is worth your money, and many have been ruined by buying cheap penny worths of education no less than in trade. A good master will teach and benefit a school more in two months, than a master poorly qualified in a year. It will be found much cheaper to employ the best teachers. A boy kept till he is eighteen in an ordinary district school, and then sent for three years to an ordinary Academy, is not so well fitted for active life at twenty-one, as every boy might be at sixteen in such a school as ought to be kept in every district in the Commonwealth, and well might be, if we had our essential normal schools in full operation. Who ever therefore will be still content to give his son no better education than we have mentioned may have it at less than the present cost by employing the best teachers, and his son produce an income, instead of requiring an expense, for the last five years of minority. But he who gives his children a comparatively superior education in the present state of things, would not rest satisfied till he had educated them in the same degree above the improved standard. And, in so doing he would not depart from the strictest economy, for an enlightened community produces and accumulates wealth faster, in a vastly greater ratio, than the proportionate additional cost of their education. A million of dollars a year, judiciously applied to the improvement of young heads and hearts for the next thirty years, would not merely be refunded, but the State would be much more than thirty millions richer in visible property at the end of that period.

But we are tired of reducing the riches of the soul to a metallic standard. We join issue therefore, with those a part of whose creed it is, that the promises held out by education ought to be redeemable in specie; and we say to them, if they will pause and lend a ear a moment, that it is not enough that their children should be intelligent and virtuous, even if that were possible in the neglect of all others, but their neighbor's children should be intelligent and virtuous also, or their own children must pay for the deficiency, ay, pay for it specifically in money. The question is whether it is not both cheaper and pleasanter to pay through the school committee, than through the overseers of the poor, to support schools than jails, teachers than executioners, and to build writing desks than gallows.

The Rev. Dr. B. Forde, for many years the ordinary of Newgate, remarks, in his hints for the improvement of the Police, "the ignorance of the inferior classes of society is the first and great cause of the multitudinous depredations which are daily and nightly committed. Idleness is the second. 1st. Public Schools, under the care, control and inspection of a zealous parochial committee, ought to be established throughout the whole kingdom, if possible; in which religion, morality, and a moderate degree of learning, should be taught to the poor free of every expense. 2nd. Work ought to be provided for the industrious.

Sir Richard Phillips, sheriff of London, says that on the Memorial addressed to the Sheriffs by 152 criminals in Newgate, 25 only signed their names in a fair hand, 26 in illegible scrawl, 101 were marksmen, signing with a cross. Few of the prisoners could read with facility, more than half could not read at all, most of them thought books useless, and were totally ignorant of the nature, object and end of religion.

The same phenomenon presents itself in all American prisons.—The eleventh of the admirable Reports of the Prison Discipline Society gives these facts which might be multiplied almost indefinitely. In Connecticut, no convict ever sent to the State prison had a liberal education, or belonged to either of the learned professions. One half were unable to write, and one sixth to read. Of the 66 convicts of 1835, the crimes of only four required for their commission ability either to read or write. In Auburn Prison, of 228 convicts in 1835, 3 had an Academical education, 59 could read, write and cipher; 56 could read and write only, 50 could read only; and 60 could not read. In the new penitentiary in Philadelphia, of 217 prisoners received in 1835, 63 can neither read nor write, 69 can read only, and 85 can read and write, but most of them very indifferently. The Chaplain of the Ohio Penitentiary remarks, "not only in our prison, but in others depraved appetites and corrupt habits, which have led to the commission of crime, are usually found with the ignorant, uninformed and duller part of mankind. Of the 276, nearly all below mediocrity, 175 are grossly ignorant, and in point of education, scarcely capable of transacting the ordinary business of life."

Such is the universal testimony of all competent witnesses. "Poor ignorant creatures, Sir," said a jailer to Leigh Hunt, in that phrase giving a general description of all his prisoners.

Dr. Forde was right in supposing that good public schools would be the best remedy for the prevalent disposition to crime. A comparison of Scotland with England and Ireland shows this very forcibly.—Mr. H. Fielding stated "that during the number of years he presided in Bow street only six scotchmen were ever brought before him;

but the greater part of the persons committed were of the sister Island, *where the natural dispositions of the people are quite as good*, but the system of education is neither so strict nor so generally adopted as in Scotland." Mr. Hume stated "that one quarter session for the town of Manchester sent more felons to the plantations than all the Scotch Judges do for ordinary in a twelve-month. "Lord Justice Clerk in an address to the Lord Provost and Magistrates of Glasgow, in 1808, took occasion to observe that the commitments for criminal offences in England and Wales exceed four thousand a year, a number nearly equal to all the commitments in Scotland since the Union." If his Lordship was astonished at four thousand commitments in a year, for England and Wales, we know not what opinion he would form of the present state of crime there. We have before us the official returns of criminals for 1837, made up at the Home Department, on the last day of January, and as this document is not within the reach of most of our readers, we give the facts bearing on this point, affixing a few years of comparison to show the progress of crime.

The number of persons committed, or bailed in England and Wales was,

In 1828, 16,564.	In 1832, 20,829.	In 1835, 20,731.
" 1829, 18,674.	" 1833, 20,072.	" 1836, 20,984.
" 1830, 18,107.	" 1834, 22,451.	" 1837, 23,612.
" 1831, 19,647.		

Giving an average for the last four years of 21,944 commitments in a year,—a most melancholy fact.

For a comparison between the three kingdoms, we give one year. In 1834 there were committed or bailed.

		Sentenced to death.	Executed.
In England and Wales,	22,451	480	34
Ireland,	21,381	194	43
Scotland,	2,711	6	4

In Ireland, education is most neglected; the gibbet takes account of it. Beccaria, in 1767, predicted that the punishment of death would not survive that happy period, "when knowledge, instead of ignorance, shall become the portion of the greater number."

"To shew the effect of ignorance in the production of these crimes, we give the degrees of instruction of offenders for 1837: and to prove the gratifying fact that the proportion of educated offenders diminishes, we give the per centage of each class for 1836 and 1837:

	MALE.	FEMALE.	1836.	1837.
Whole number of commitments,	19,407	4,205	—	—
Unable either to read or write,	6,684	1,780	33.52	35.85
Able to read and write imperfectly,	10,147	2,150	52.33	52.08
Able to read and write well,	2,057	177	10.56	9.46
Instruction superior to mere reading & writing well,	0.98	3	0.91	0.43
Instruction could not be ascertained,	421	94	2.68	2.18

Of all the criminal offenders, therefore, be it remembered, less than one half of one per cent. have received any education beyond reading and writing. There were 358 offenders of twelve years or under, and more than half of these young sinners were totally uneducated.

Lord Justice Clerk having noticed the inferior number of criminals in Scotland proceeds to say that, supposing his calculation to be accurate, he calls upon us for very serious reflections, to discover the causes of this proud inferiority.

"I think we have not far to look," says his Lordship, "for the causes of the good order and morality of our people. The institution of parochial schools, in the manner and to the extent in which they are established in Scotland, is, I believe, peculiar to ourselves; and it is an institution, to which, however simple in its nature, and unobtrusive in its operation, I am persuaded we are chiefly to ascribe the regularity of conduct by which we are distinguished. The child of the meanest peasant, of the lowest mechanic, in this country may, and most of them do, receive a virtuous education from their earliest youth. At our parochial schools, they are not only early initiated in the principles of our holy religion; and in the soundest doctrines of morality, but most of them receive different degrees of education in other respects, which qualify them to earn their bread in life in various ways; and which, independent even of religious instruction, by enlarging the understanding, necessarily raises a man in his own estimation, and sets him above the mean and dirty crimes, to which the temptation and hardships of life, might otherwise expose him.

* * * * *

In twenty-two years, from 1750, there were 116 executions in the Midland counties, and 117 in the Norfolk circuit; and in twenty two years, from 1749, there were 678 in London, or about thirty per ann., while in Scotland, as near the same period as we can ascertain, they averaged less than four per annum.

The Scotch school system was originated by an act of King James the sixth, of the 10th of Dec. 1616, four years before the landing of the pilgrims, and ratified by an act of Charles the first, 1633; but the first effectual provision was by an act of 1646, for the first time compelling the assessment of a tax and payment of a master's salary, in every parish in the kingdom, for the express purpose of educating the poor; "a law," says the enthusiastic Scotch writer last quoted, "which may challenge comparison with any act of legislation to be found in the records of history, whether we consider the wisdom of the ends in view, the simplicity of the means employed, or the provisions made

to render those means effectual to their purpose." This excellent statute, was of course, repealed on the restoration of Charles the second, in 1660; but it was re-enacted in 1696, in precisely the same terms, and is the basis of the present, the noble legacy of the Scotchish Parliament. Its effect on national character may be considered to have commenced about the period of the Union, 1707, and with the peace and security arising with that event, to have produced the extraordinary change in favor of industry and good morals, which the character of the common people of Scotland has since undergone.

The school system has not operated differently in Scotland from its uniform effect wherever it has been tried. Holland, Prussia, and the Pays de Vaud, the best educated countries in Europe, are also the most moral. Prussia, which has carried her common school system to higher perfection than any other nation, is remarkably free from crime. For seventeen years, ending in 1834, according to the statement of Herr Von Kampz, the executions in Prussia were 123; in 1832 and 1834, there were only two in each year, and the average number of murders in a year was *seven and one-third*. Prussia has a population of 13,566,897, according to the Weiman Almanac for 1837. These numbers, therefore, are much smaller in proportion to the population, than in Massachusetts; lesser crimes it is believed are proportionably rare in Prussia.

* * * * *

There are few beggars in Scotland—there are no poor rates in Scotland—while in England every eighth or ninth man is a pauper, and the poor rates for forty years has consumed some five or six millions of pounds sterling a year. In Scotland the wages of labor maintain the laboring classes. In England they are inadequate by an alarming deficiency. In Scotland they have fewer crimes, and those which occur are less malignant. In 1834 the proportions were as follows:

	Sentenced to death.	Executed.	Sentenced to trans- portation for life.	14 years.	7 years.
In England,	480	34	864	688	2501
Scotland,	6	4	30	47	195

These are the points of difference. England saves the expense of public schools, and the saving costs her fifty millions of dollars a year, in courts, prisons, penal colonies and poor rates, not to reckon ruined hopes, broken hearts, blasted characters, and the wretchedness of tens of thousands living in shame and agony, a living death, whom free schools would have brought up to honor and happiness, and a useful life.

* * * * *

We will go into no further argument, to prove that education is cheaper than ignorance; and that the most rigid economy, so that it be not stone-blind to consequences, would dictate a liberal expenditure for the preservation and elevation of the public morals, and for the exercise, developement, and wholesome sustenance of the public intellect. Nor will we waste a word upon the self-evident proposition that our education will operate beneficially, in proportion as it is perfected. It must be perfected, and that by providing better teachers.

[*Reprinted on account of errors in manuscript.*]

REPORT

OF THE PRESIDENT AND DIRECTORS OF THE LITERARY FUND.

To the Honorable the

General Assembly of North Carolina:

GENTLEMEN:

The President and Directors of the Literary Fund of North Carolina, have the honor to submit the following Report:

Soon after the organization of the Board on the 4th of March, 1837, they proceeded, in obedience to an act of the last session of the General Assembly, to give to the subjects committed to their charge, that consideration and attention which their importance demanded: the draining of the swamp lands, digesting a plan for common schools, and the disposition and investment of the funds appropriated to these objects, until they could be used advantageously and with effect.

Their first duty was to inquire and determine what lands were *owned by the State*—entertaining the belief that large bodies had been entered by individuals, and the grants obtained thereon were purposely withheld from registration—this inquiry could not be satisfactorily prosecuted until after the expiration of the twelve months allowed by the act of the last session for the registration of the grants and deeds under which they might be held.

It was ascertained, however, that the county of Hyde did contain a large body, the unquestioned property of the State, believed to be fertile and susceptible of draining, and on which a fair and thorough experiment might be made. To guard against failures in a work which had justly excited the highest hopes and expectations of the public, and to prevent wasteful expenditures and losses by its injudicious prosecution, the Board had no hesitation in deciding that they would take no important step in relation to it, without obtaining the aid and advice, and a supervision of a competent and skilful scientific engineer. Public advertisement was accordingly made in various newspapers of the United States, and Charles B. Shaw, Esq. who had then recently been engaged in conducting works of improvement in Virginia, and who was highly recommended to the Board as an engineer, was engaged at a salary of \$2,500 per annum. His attention was first directed to the lands in Hyde, and he was instructed to

organize a corps of surveyors and assistants, and commence the preparatory steps for draining.

To enable the Board to form a proper estimate of the swamp lands, and to obtain information upon a matter which was wholly new to most of its members, they visited early in December last, the neighborhood of Matamuskeet Lake, where the lands had been reclaimed to a considerable extent, and intended to extend their examination to other similar improvements in the low country. The inclemency of the weather was so great that their attention was confined exclusively to the low lands in Hyde.

The immense fertility of these lands when subjected to culture, their susceptibility of being drained, and cultivated, and their great value to the State, in many points of view, when so improved, have been so often and so ably discussed for many years before the Assembly and the public, that it would be a worthless consumption of your time to insist upon it here.

Indeed your predecessors have already decided this matter, and have resolved to give it a fair experiment; and it is presumed that all your honorable body wishes or expects to learn from the Board, is to know *what they have done*. The Reports of Mr. Shaw, the engineer, numbered 1 and 2, are with this view, herewith submitted for your consideration; and these, together with the journal of proceedings kept by the Board, will afford the desired information.

The Board would beg leave to make one suggestion:—A great misfortune attending the swamp lands, and one which has greatly contributed to their wilderness state, is that they are held in immense bodies by individuals who are unable to reclaim them, and yet satisfied with their fertility and value, are unwilling to part with them at such prices as will enable farmers of limited means to purchase. If the State could re-possess them, it would greatly facilitate its operations in reclaiming contiguous tracts. The consideration of this matter is deemed worthy of your attention.

Mr. Shaw having received higher inducements elsewhere has very recently resigned his appointment of engineer. However much the Board may be gratified to see an efficient and valuable officer receive the full reward of his services, they can but regret the loss of his to the State. In the incipiency of this work, the Board did not feel themselves justified in offering a higher salary to induce him to remain. Indeed he did not intimate that such an offer would be accepted, or would change his course. The work, until another competent and experienced engineer can be engaged, will be left under the management of his assistants, of whom he speaks in high terms,

and in whose ability to discharge the duties left with them for the present, the Board have full confidence.

By a resolution of the last General Assembly, it was made the duty of this Board to digest and report to the General Assembly, a plan or system of Common Schools, adapted to the wants and capacities of the State. This great subject so favorably esteemed by all, has been one of great anxiety and no little perplexity.

Information has been sought from various quarters, and through the politeness of the Governors of several of the States, of whom the favor was requested, many laws relative to, and systems of Common Schools have been received. From these and other sources of information and aid, the Board have been enabled to comply with this requisition, and have the honor to submit for your consideration a system or plan in the file marked A.

The amount appropriated for the draining of the swamp lands, viz: \$ 200,000, has been loaned out, at short credit, to various individuals, and is believed to be well secured. The interest accruing on this sum, from time to time, (except such as is needed for current expenses) is also converted into principal and loaned out. The funds and property placed under the control of this Board, consist of the following items: \$ 1,000,000 in the stock of the Bank of the State and Cape Fear; to which has been added by the Board \$20,700, making \$ 1,020,700. The income arising from the operations of the Board of Internal Improvements, from \$ 32,500 stock in the Cape Fear Navigation Company, \$25,000 in Roanoke Navigation Company, land entries, licences to retailers of spirituous liquors and auctioneers, tax on the Banks, on loans \$274,163, and all the swamp lands not heretofore granted to individuals and cash on hand \$38,643 24 cents. The amount derived from these various sources, including \$ 3,130 20 cents of dividend of capital of the old Banks of the State and Newbern since April 1837, is \$110,757 34 cents, \$11,358 13 cents of which have been received since the Public Treasurer made up his account. The annexed account will more readily shew the same. The amount of interest received by the Board on loans, it will be seen is \$30,509 32 cents, which would have been considerably increased, but for the necessity of the Public Treasurer's using a considerable amount of the funds to meet the current expenses of the Government, until the taxes of the present year were received.

All which is most respectfully submitted.

EDWARD B. DUDLEY,

President ex officio.

EXECUTIVE DEPARTMENT, }
December 4, 1838. }

The PUBLIC TREASURER in account with the LITERARY FUND.

Cr.

1837.	April 6.	Amount on hand at that period		\$27,155 58	Paid for 207 shares of Stock in the C. Fear Bank	\$20,700 00
"		Appropriation of surplus to drain the swamp lands		200,000 00	Do. Appropriations opening a canal from Lake Matamuskett	8,000 00
"		Land entries	4,691 66		Do. Expenditures on the survey of the swamp lands	8,148 64
"		Tavern tax	5,839 71		Do. Charges of the Board, &c.	1,370 24
"		Auctioneers	990 40	11,521 77	Do. Croom fees	18 00
"		Interest on loans	27,962 69		Do. Amount of loans	274,163 00
"		do. made by the Board of Inter. Imp's.	18,114 75	46,077 44		
"		Dividends, profits of the Banks State & C. Fear	48,000 00			312,399 88
"		" Capital old Banks State and Newbern	3,130 20			27,285 11
"		" Tax on the Banks	2,500 00	53,630 20		
"		Cape Fear N. Company		1,300 00		
				\$339,684 99		
1838.	Nov. 1.	To balance per contra		27,285 11	Nov. 1. Balance on hand per P. Treas'r's Report	\$339,684 99
		Received since on loans.		2,546 63	By amount of notes discounted since the Treas'r's Report was made up }	7,800 00
		do. do. made by Board I. Improv.		8,811 50	Dec. 4. Balance on hand	30,843 24
				\$38,643 24		38,643 24
Dec. 4.		To balance on hand		30,843 24	Income from 1st April, 1837.	
		Aggregate am't. of interest on loans by the Lit. Board }	\$30,509 32	Rec'd. since April, 1837.	From dividends of Banks	48 000
		Do. by Board In. Improvement	26,926 25	Rec'd since July, 1837	" tax do.	2,500
		Received by the two Boards	\$57,435 57		On loans by the Lit. Board	30,509 32
		<i>Executive Department, Dec. 4, 1838.</i>			Do. Int. Imp. do.	27,926 25
						57,435 57
						\$107,935 57

E. B. DUDLEY, President ex officio.

B.

LEGISLATURE OF NORTH CAROLINA.

RALEIGH, NOVEMBER, 1838.

HOUSE OF COMMONS.

RESOLUTIONS.

I. *Resolved*, That each of the United States being a party to the
2 national compact, possess an interest in the Public Land, propor-
3 tioned to the Federal population of each, or in the terms of the
4 compact—according to the usual respective proportions of the
5 general charge and expenditure.

II. *Resolved*, That those States in whose favor Congress has not
2 made appropriations of the Public Domain for the purposes of
3 Education, are entitled to such appropriations, as will correspond
4 in a just proportion with those heretofore made in behalf of other
5 States.

III. *Resolved*, That our Senators and Representatives in the
2 Congress of the United States, be requested to urge the claims of
3 the State of North Carolina to her portion of the Public Lands;
4 and that the same when obtained be applied to the establishment
5 and support of Common Schools; and the promotion and diffusion
6 of Education throughout the State.

H

LEGISLATURE OF NORTH CAROLINA

Session 1882-1883

HOUSE OF COMMONS

RESOLUTIONS

1. Resolved, That each of the following shall be a party to the
2. national compact, and no interest in the public land, property
3. shall be the federal property of each, or in the name of the
4. compact, according to the respective proportions of the
5. general charge and expenditure.
- II. Resolved, That those States in whose favor Congress has not
6. made appropriations of the Public Lands for the purpose of
7. Education are entitled to such appropriations as will be equal to
8. in a just proportion to those States which have received the same.
9. Resolved, That the same and the same be applied to the States of
10. Congress of the United States, be required to give the same
11. the State of North Carolina is not entitled to the same
12. and that the same be applied to the States of
13. and support the same and the promotion and
14. of Education

D.

LEGISLATURE OF NORTH CAROLINA:

RALEIGH, DECEMBER 3, 1838.

SENATE.

RESOLUTIONS.

I. *Resolved*, By the General Assembly of North Carolina, that it is
2 expedient so to amend the 1st and 2d sections of the 1st arti-
3 cle of the amendments to the Constitution as to restore to the people
4 the right of choosing *annually* the members of the Senate and of
5 the House of Commons.

II. *Resolved*, That a Select Committee of members be appoint-
2 ed to report a bill agreeably to the provisions of the Constitution, to
3 carry into effect the foregoing resolution.

D

LEGISLATURE OF NORTH CAROLINA

SESSION OF 1858

SENATE

RESOLUTIONS

1. Resolved, by the Senate and House of Commons of the State of North Carolina, that
2. expedient to amend the 1st and 2d sections of the 1st article
3. of the Constitution to the effect that the members of the Senate and
4. the House of Commons shall be chosen by the people of the State and
5. the House of Commons
6. II. Resolved, That a Select Committee of
7. be appointed to report a bill agreeably to the provisions of the Constitution,
8. to carry into effect the foregoing resolution.

E.

LEGISLATURE OF NORTH CAROLINA.

RALEIGH, DECEMBER 3, 1838.

SENATE.

PREAMBLE AND RESOLUTIONS.

1. Whereas the exchanges and the currency of the country are
2 much deranged, and it is indispensable for the general prosperity,
3 that this state of things should be speedily corrected, and the
4 industry of the country placed upon that steady and permanent
5 footing, that hereafter its exertions may not be periodically para-
6 lyzed in any way by the action of the Federal Government; and,
7 whereas there are conflicting opinions among the people of the
8 State of North Carolina upon the subject of a National Bank
9 and upon the policy of an independent treasury, under the ex-
10 clusive control of the Federal Executive, therefore,

II. *Resolved by the General Assembly of North Carolina'*
2 That it would eminently conduce to the prosperity of the people
3 of the United States, and tend much for the future to withdraw
4 the business of the country from those entangling alliances with
5 national politics, which have been found injurious to both, that
6 the Congress of the United States should charter three separate,
7 distinct and independent Banks, to be located with their branches,
8 in the three great sections of the Union, North, South and West.

III. *And be it further Resolved,* That in the opinion of this
2 Assembly, the united capitals of these banks should not exceed
3 fifty millions of dollars, to be distributed in such portions to
4 the different sections of the Union as to Congress might seem just
5 and proper.

LEGISLATURE OF NORTH CAROLINA

HARTMAN DEBATE & 1895

SENATE

PREAMBLE AND RESOLUTIONS

I. Whereas the exchange and the currency of the United States is much affected, and it is indispensable, for the general prosperity, that the state of things should be speedily corrected, and the industry of the country placed upon a steady and permanent basis, that hereafter its exertions may not be periodically paralyzed in any way by the action of the Federal Government; and whereas there are conflicting opinions among the people of the State of North Carolina upon the subject of a National Bank, and upon the policy of an independent treasury, under the exclusive control of the Federal Executive, therefore

II. Resolved by the General Assembly of North Carolina, That it would eminently conduce to the prosperity of the people of the United States, and tend much to the future well-being of the business of the country from those embarrassing elements which national politics which have been found injurious to both, that the Congress of the United States should charter three separate distinct and independent banks, to be located within their respective States in the three great sections of the Union, North, South and West.

III. And be it further Resolved, That in the opinion of this Assembly the ruined capital of these banks should not exceed 3 fifty millions of dollars, to be distributed in such portions as the different sections of the Union as to Congress might deem

F

LEGISLATURE OF NORTH CAROLINA.

RALEIGH, DECEMBER 1838.

HOUSE OF COMMONS.

PREAMBLE AND RESOLUTIONS.

I. Whereas, we believe that a great crisis has arrived in the political history of our country, on the issue of which, we conceive the safety of our free institutions to depend,—and whereas, we consider it our bounden duty, as the representatives of the Freemen of North Carolina, to express in calm, and dispassionate language, our opinions on the great questions, which have been for some time and some of which still are agitating the public mind:

I. *Resolved therefore*, That this General Assembly do condemn in the most decided manner, that act of the Senate of the United States expunging the records of that body, as a palpable violation of the plain letter of the Constitution, and as an act of party servility calculated to degrade the character of the Senate.

II. *Resolved*, That resolutions ought to be passed by the Senate of the United States, condemnatory of that act, and rescinding the resolutions authorising it to be done.

III. *Resolved*, That this General Assembly do condemn the sub-treasury system, which this administration is endeavoring to establish, as another item in that series of fatal experiments, of this and

4 the past administration, which are the main source of that derange-
 5 ment in the currency, and prostration of commercial credit, which
 6 have been so severely felt of late, in every branch of industry—and
 7 which if suffered to become a law, will, by its tendency to augment
 8 executive power, to unite the purse and the sword in the hands of
 9 the executive, and to destroy the credit system, by the exaction of
 10 specie in the Government dues, ultimately change the real charac-
 11 ter of our Government, and place in peril the liberties of our country.

IV. *Resolved*, That we consider the public lands of the United
 2 States, as the common property of all the States, and that we there-
 3 fore condemn the late act of Congress, allowing settlers on the pub-
 4 lic lands the right of pre-emption at the minimum price, as an act
 5 of gross injustice to the old States, who originally ceded them, or
 6 who contributed to a common fund for their purchase.

V. *Resolved*, That we believe that the proper and equitable dispo-
 2 sition of the public domain, is, to divide the proceeds arising from
 3 their sales, among the several States of the Union, according to the
 4 ratio of their Federal population.

VI. *Resolved*, That we do most solemnly protest, against the waste-
 2 ful extravagance of the present administration, and their profligate
 3 expenditure of the public money, which not only creates a demand
 4 for heavy taxation, in order to meet the exorbitant appropriations of
 5 the General Government, but which tends to the corruption of pub-
 6 lic morals and the degradation of the national character.

VII. *Resolved*, That the power and patronage of the executive de-
 2 partment of the Federal Government, have increased to an alarming
 3 extent, and ought to be diminished.

VIII. *Resolved*, That our Senators in Congress, will represent the

2 wishes of a majority of the people of this State, by voting to carry
3 out the foregoing resolutions.

IX. *Resolved*, That the Governor of this State be requested to forward a copy of these resolutions to each of our Senators in Congress, with a request that they lay them before the Senate of the United States—and one to each of the Governors of the several States of the Union, with a request, that they lay them before their respective Legislatures.

2 wishes on a majority of the people of this State, he wishes to call
3 out the foregoing resolutions.

IX. Resolved, That the Governor of this State be requested to

4 send a copy of these resolutions to each of our Senators in

5 Congress, with a request that they lay them before the Senate of

6 United States—and one to each of the Governors of the

7 States of the Union, with a request that they lay them before the

8 respective legislatures.

G

LEGISLATURE OF NORTH CAROLINA.

RALEIGH, DECEMBER, 1838.

HOUSE OF COMMONS.

RESOLUTIONS.

I. *Resolved*, That any act of Congress giving the Public Lands to the States in which they lie, would be violating the rights of the old States and the spirit of the Constitution.

II. *Resolved further*, That any act of Congress setting apart the proceeds of the sales of the Public Lands for distribution among the States, must necessarily compel the General Government to raise the whole amount of its revenues from sources which would bear heavily upon the people.

III. *Resolved further*, That it is a violation of the principles of a free Government, to set agents over the people to collect directly or indirectly, their money, to be dealt out again to them at the mercy of Executive or Legislative authority.

IV. *Resolved further*, That the best interests of the Union require that no more revenue should be collected from the people than is absolutely necessary to defray the expenditures of an economical administration of the General Government.

V. *Resolved*, That the Governor of this State be, and he is hereby requested, to transmit copies of these Resolutions to each of our Senators and Representatives in the Congress of the United States.

REPORT OF THE COMMISSIONERS OF THE LAND OFFICE

DEPARTMENT OF THE INTERIOR

RELATIONS OF THE INDIAN TRIBES

I. The first of the great principles of the Government is that the rights of the Indian tribes shall be protected. This principle is the basis of all the laws and regulations which have been enacted by Congress and the Executive. It is the duty of the Government to protect the rights of the Indian tribes, and to see that they are not oppressed or wronged. The Commission has been organized to study the relations of the Indian tribes to the Government, and to report on the results of its investigations. The Commission has held many public hearings, and has received many suggestions from the Indian tribes and from the public. The Commission has also conducted extensive research into the history and customs of the Indian tribes, and has gathered a large amount of information. The Commission has now completed its report, and is submitting it to the Secretary of the Interior. The report contains many valuable suggestions for the improvement of the relations of the Indian tribes to the Government. It is the duty of the Government to consider these suggestions, and to take such action as may be necessary to carry them out. The Commission believes that the best interests of the Indian tribes will be promoted by the adoption of the suggestions contained in this report.

I.

LEGISLATURE OF NORTH CAROLINA.

RALEIGH, DECEMBER, 1838.

SENATE.

REPORT

OF THE JUDICIARY COMMITTEE, RELATIVE TO WEARING ARMS CONCEALED ABOUT THE PERSON OF INDIVIDUALS.

The Committee on the Judiciary have had before them the Resolution relative to "wearing arms concealed about the person of individuals," and report the accompanying Bill.

JAS. T. MOREHEAD, Chairman.

Dec. 22nd.

A BILL to suppress the practice of wearing arms concealed about the person of individuals.

I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,*
That when any person shall commit any unlawful assault, battery, or wounding with any pistol, dirk, dagger, knife, or other weapon, what ever—(such pistol, dirk, dagger, knife, or other weapon, not having been before and at the time of such assault, battery, or wounding, by such person openly worn, exposed, or exhibited)—the party so offending, being thereof convicted by verdict, confession, or otherwise, according to law, shall, besides such fine as the Court may think proper to impose, be imprisoned not less than six calendar months, and find

11 security for his good behavior, in such sum as the Court may direct,
12 for any term of not less than three nor more than seven years.

II. *And be it further enacted, by the authority aforesaid, That*
2 when any person or persons shall shoot, stab, or thrust any person or
3 persons, that hath not then any weapon drawn, or that hath not then
4 first stricken, the party which shall so shoot, stab, or thrust, so that the
5 person or persons so shot, stabbed, or thrust, shall thereof die within
6 a year and a day, then next following, the party so offending being
7 thereof convicted, by verdict, confession, or otherwise, according to
8 law, shall be excluded from the benefit of clergy and suffer death
9 as in case of wilful murder: *Provided, always, That nothing*
10 herein contained shall extend to cases of self-defence, misfortune, or
11 in any other manner than as aforesaid; nor to any person who
12 shall commit manslaughter in preserving the peace, or chastising or
13 correcting his child, pupil, slave, or servant.

III. *And be it further enacted, That this act shall be in force*
2 from and after the first day of April next, and not sooner.

M.

LEGISLATURE OF NORTH CAROLINA:

RALEIGH, DECEMBER, 1838.

SENATE.

REPORT

OF THE COMMITTEE ON EDUCATION.

The Committee on Education and the Literary Fund, respectfully Report:

That they have had under consideration the resolutions instructing them to inquire into the expediency of establishing Common Schools in every County of the State, and to report some plan by which the system can be put into operation. The subject is one of great importance, and one in which a deep interest is felt by every class of the community throughout the State.

The first inquiry which presented itself was the state of the finances of the Literary Fund, and whether the annual revenue of the same was sufficient to establish a general system of Common Schools, and keep the same in successful operation; your Committee find, upon examination of the Report of the President and Directors of the Literary Board, that the whole amount of the Literary Fund, in stocks, swamp lands, and other sources, is \$1,732,485; of this sum \$600,000 is vested in the Wilmington and Raleigh Rail Road, and is as yet unproductive capital, and will continue so until the Road is completed. Its value then will depend upon circumstances, such as the amount of travel, transportation of produce, &c. and consequently, there is no certain data by which your Committee can form any correct estimate of its probable income. Those best acquainted with the Road, the travel, &c., estimate, with great confidence, a dividend of 6 per cent.

per annum. The annual income of the Literary Fund, exclusive of the \$600,000 vested in the Rail Road, is \$75,000. This sum is insufficient to establish Common Schools throughout the State, and support them without aid from other sources.

The President and Directors of the Literary Board, estimate that the area of North Carolina is "45,000 square miles of inhabited territory. If this area were divided into Common School Districts, 6 miles square, or as nearly so as the nature of the country will admit, the State will contain 1250 Districts." The interest of the Literary Fund of course is entirely inadequate, at present, to support a school in each district. It is a matter of serious doubt, whether it is advisable, that the fund should be sufficient for this purpose. Anxious as all persons may be to see some plan devised, by which all classes may reap the advantages of a common education, it is all important, that any system which may be adopted, should prove successful and lasting. Many of our sister States are far in advance of us upon this subject, and whilst it is said to be a rare thing to meet with a boy 12 years of age in the Northern States, who cannot read and write, it is to be regretted that nearly every tenth man in North Carolina, is unable either to read or write, and in many counties of the State the proportion is much greater. Common Schools having had so desirable and salutary an effect in the Northern States, it is a matter of some consequence to inquire into the plan upon which they are established, and the practical effects.

In New-York, the Literary Fund pays one-tenth of the sum necessary to keep up a Common School in each school district. "The number of scholars at her Common Schools is about 500,000. The amount expended for teachers, books, &c. is \$1,061,500."

In Massachusetts, the school fund pays about one half the sum necessary to defray the expenses of her common schools, and the remaining half is raised by taxation. In Connecticut, the whole expense is defrayed from the Literary fund. The common schools of New-York and Massachusetts are considered to be in a more flourishing and prosperous state than any others, and in those States where the whole expense is paid by the Literary fund, they do not succeed so well. All persons who have devoted much of their time and attention to this important subject, and have witnessed the practical effects of the different systems in different States, have settled down upon the conclusion that the system succeeds best in those States where the schools have been established by a *combination of public fund and taxation*. Your Committee having become satisfied of the truth of this fact, and finding the revenue from the Literary Fund insufficient to establish a general system, even if the same were desirable, next turned their at-

tention to the manner in which the balance of the fund, necessary to establish common schools, could be raised so as to be practicable, and at the same time acceptable to the whole State.

For this purpose your Committee recommend that the county courts of the several counties in the State, shall appoint a committee to be called the School Committee. That this committee when thus appointed, shall proceed to lay off and divide their respective counties into school districts, not less than six miles square, but as near that size as the nature of the country will conveniently admit—that said committee shall report to the next succeeding court, after their appointment, the divisions they have made, setting forth the natural boundaries of said district, as well as they can, which report shall be recorded in the Register's office of the county where the report is made. Your Committee recommend further, that an election shall be held at each of the usual election grounds in every county of the State, at which elections, every person who is entitled to vote for a member of the House of Commons, shall be entitled to a vote. The object of the election shall be to ascertain whether the different counties are willing to raise, by tax on the real estate and polls in this county, a sum sufficient to establish a common school in each district into which the school committee may have divided the county; upon condition that the Treasurer of the Literary Fund, furnish to each of said districts, the sum of one hundred dollars per annum. The amount thus to be raised, will be a light and moderate tax, compared to its importance.

Your committee think they can say with safety, that each district, into which the counties may be divided as above recommended, can receive the sum of one hundred dollars per annum from the Literary Fund, and if the stock of the Wilmington and Raleigh Rail Road, should yield a dividend of 6 per cent in the course of a few years, the Literary Fund will be able to furnish \$125 or \$150 per annum to each district, and even a larger sum, if the operation of draining the swamp lands should prove successful; with these inducements held out, it is hoped that every county in the State will laudably undertake to raise the balance of the sum necessary, to establish a school in every district. The money thus raised, to be appropriated for schools in the county where it is raised, and not elsewhere. In order to determine at said elections, whether the county will undertake to raise the necessary sum, those who are in favor of the schools upon the terms prescribed, shall vote a ticket with the words "a school." Those opposed to it, shall vote "no school." If upon comparison of all the votes taken in any county, it shall be found, that a majority of all the votes taken in the county are in favor of a school, it shall be the duty of the school committee, to certify the same to the President of the Literary

Board; also to certify to him the number of school districts in said county. And it shall be the duty of said committee, to ascertain as nearly as they can, the probable cost of erecting a school house in each district, and of employing a teacher, and report the same to the county court, who shall proceed to lay an additional tax on the land and polls, sufficient to raise the sum necessary to defray the expenses of building the school houses and employing teachers, over and above the sum received from the Literary Fund.

Your committee would be anxious to see some plan devised, by which the system of common schools, could at once be generally adopted, but they deem it entirely impracticable to do more than to ascertain the will of the people, as to their readiness to submit to the small tax necessary to afford common school instruction to all the children of the State. The subject addresses itself with great force to the consideration of the virtuous, the intelligent, and the wealthy. To the virtuous, who know that ignorance and vice generally accompany each other, and the only affectual method of reclaiming the vicious is by operating upon the mind, and that in the houses of thousands now in North Carolina are to be found, children of all ages, from infancy to manhood, who are in the most perfect state of ignorance and vice, and who never have been and perhaps never may be able to read the first sentence in the Bible. Are you willing to contribute a small sum from your superfluities, perhaps your superabundance to rescue the children of your indigent neighbors from ignorance, misery, and vice? Those who have mixed much with the people of our State, know that there is an average of nearly one half in every county of the State, who have received no education, and who are as yet unprovided with the means of learning, even to read and write, are you not willing, not only to contribute yourselves, but to stir up your neighbors to the importance of the matter, and get their consent to pay this small tax?

To the intelligent, those who have had the advantages of education, who know that mind constitutes the great, perhaps in reality, the only difference between man and the brute creation, we feel assured the appeal will not be made in vain. It behooves all such, not only to aid by their small mites the scheme of attempting to confer the benefits of a common school education, upon their neighbors, but to press its importance upon all. Without some system of education, which can diffuse its blessings among all classes, and elevate the minds of the poorer class of our citizens, North Carolina never can assume that rank and standing among her sister states in the Union, to which she is justly entitled.

To the wealthy, a more important consideration addresses itself. Ours is a government of the people. The majority rule and control in all elections. It is right that it should be so. But it is important at the same time, that this majority should be an intelligent one, and one capable of forming correct conclusions. How can this majority be intelligent without education? How are they to be educated without funds to establish schools? Too indigent themselves to furnish the means—the fund which has been set apart by the State, being insufficient, to what other source can we turn but to you? We propose to leave it to your sound discretion, to say whether you will be willing to contribute a small pittance from your abundance, to educate and enlighten your neighbors and your neighbor's children, who have not been so blessed with the goods of this world; those, too, who have a controlling influence in making the laws, that regulates and governs the very wealth which you prize so highly. Can you employ more easily a small sum from your abundance, than in diffusing intelligence amongst the ignorant, who have so important an influence over your property, thereby reclaiming the vicious, bringing from obscurity many a youth who perhaps may be an ornament to his country, but who without your means may be in obscurity forever, and in cementing and strengthening their attachment to their country and its institutions? These considerations and others without number, induce your committee to hope that the plan which they recommend may be acceptable to a majority of the people of the State.

A spirit of improvement and of education is abroad in the land. Both are important to North Carolina—perhaps it is difficult to decide which is of paramount importance, and which should be first attempted, if only one can succeed. Your Committee feel confident, that the attention of the people is directed, with much earnestness to the subject of education, by common schools; they have long heard that a fund had been set apart for that purpose. They have heard this until they begin to look upon it as a mere humbug to deceive and gull them out of their votes. Your Committee insist that this Literary Fund should not be appropriated to any other purpose, until the matter has been submitted to the people, and their decision is heard, whether they will have a system of Common Schools upon the terms proposed. If they reject it, it will then be time to talk of some other disposition of the Literary Fund; but until then, your Committee *protest* against applying the Literary Fund to internal improvements, or any other subject.

Your Committee are aware of the importance of teachers who are qualified to instruct, and the difficulty under which the State will labor in procuring a number sufficient to furnish each school district in the State, if the system is adopted. In fact, it is one of the greatest

difficulties under which those States labor, where the system has been for years in operation. It is idle to talk of every man who can read and write, being qualified to teach and instruct. It requires study and experience to succeed in any other occupation or profession. No mechanic could be employed who had never served at his trade, and is a man, by intuition, prepared to discharge that most important of all duties, to train properly the minds of our children? We know too, that it is an axiom of political writers, that much is gained by division of labor. He then who is trained to any one subject, must be best qualified to discharge the duties pertaining to that subject. A teacher, who has been properly qualified to instruct, would impart more instruction, and with more ease, in three months, than one not qualified could do in twelve months. It is important, then, that some step should be taken for the purpose of educating teachers for the Common Schools, so soon as it is ascertained that the system for Common Schools, has been adopted, if fortunately it should be adopted by the people. For this purpose your Committee would recommend that the President and Directors of the Literary Board shall be authorised to make such arrangements at the different academies in the State for the education of young men, out of the Literary fund, to be employed as teachers of Common Schools, as they may deem most advisable; or, if they find it impracticable to succeed in this method, that they be directed to digest some plan for the education of Teachers of Common Schools, to be submitted to the next Legislature.

Your Committee recommend the passage of the following Bill, and ask to be discharged from the further consideration of the subject.

WM. W. CHERRY, CHAIRMAN.

A BILL

**TO DIVIDE THE COUNTIES INTO SCHOOL DISTRICTS,
AND FOR OTHER PURPOSES.**

*I. Be it enacted by the General Assembly of the State of North
2 Carolina, and it is hereby enacted by the authority of the same,
3 That the several Courts of Pleas and Quarter Sessions in each
4 County of the State of North Carolina, shall, at the first Court
5 which may happen in their respective Counties after the 1st day of
6 May next, a majority of the Justices of such County being present,
7 proceed to elect five discreet persons as a School Committee for*

§ such County, and in such election it shall be necessary for a choice,
 9 that each, of the persons elected, shall receive a majority of the votes
 10 of all the Justices present.

II. *Be it further enacted*, That said School Committee, after
 2 being thus elected, shall proceed as shortly thereafter as convenient,
 3 to divide their respective Counties into School Districts for the
 4 purpose of establishing Common Schools: *Provided*, in laying off
 5 such School Districts, no District shall be less than six miles
 6 square, or as near that size as the nature of the County will conve-
 7 niently admit.

III. *Be it further enacted*, That said Committee shall make a
 2 return of their divisions, and the number of School Districts into
 3 which they have divided their Counties, to the next County Court
 4 that may, be held after their appointment, and it shall be the duty of
 5 said Committee, in making their return, to designate as well as they
 6 may, the natural boundaries and prominent objects of the boundary
 7 of each of said Districts, and it shall be the duty of said Court
 8 to cause such return to be recorded in the Registers' office of said
 9 County.

IV. *Be it further enacted*, That if any person who shall be thus ap-
 2 pointed to serve on said School Committee shall refuse or neglect to
 3 do so, he shall forfeit and pay the sum of one hundred dollars, to be
 4 recovered by action of debt in any Court of record in the State, and
 5 such penalty there recovered to be paid over to the President and
 6 Directors of the Literary Fund, and to be appropriated to the Lite-
 7 rary Fund. And it shall be the duty of the County Attorney for
 8 the State, to prosecute suit in all such cases for and on behalf of the
 9 President and Directors of the Literary Board.

V. *Be it further enacted*, That it shall be the duty of the Sheriff of the several Counties of this State, when they advertise the next August elections, to give notice at the same time by public advertisement, in every election precinct, that an election will be held to ascertain the voice of the people upon the subject of Common Schools—and all who are in favor of raising by taxation a sum sufficient to establish a Common School in each School District, after receiving one hundred dollars per annum from the Literary Board, will deposite their vote with the word "School" written on it—those opposed to it, will write "no School" upon their ticket. And it shall be the duty of the Poll keepers to count the votes given at each precinct for School or no School, and to return the same to the Sheriff, who shall count together all the votes, and if a majority shall be found in favor of Schools, it shall be the duty of the Sheriff to furnish a certificate of the same to the School Committee of his County, and any Sheriff failing to comply with the requisites of this act, shall suffer all the penalties imposed by law for failing to discharge his duty in any election for members of Assembly.

VI. *Be it further enacted*, That in any County where a majority of the votes have been for Common Schools, and a certificate of the same has been furnished by the Sheriff to the School Committee, it shall be the duty of the School Committee to transmit the same, with a certificate of the number of School Districts in their respective Counties to the President of the Literary Board.

VII. *Be it further enacted*, That if any of the Counties in this State shall adopt the plan, and the same shall be so certified by the School Committee to the President of the Literary Board, it shall be the duty of the President and Directors of said Board to make report of the same to the next General Assembly, and to submit some plan for carrying the whole into execution, so far as it may be adopted, and for Schools to educate teachers for the same.

